

Committee: Strategic	Date: 21 st November 2013	Classification: Unrestricted	Agenda Item Number:
--------------------------------	--	--	----------------------------

Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Nasser Farooq	Ref No: PA/13/01637
	Ward: Weavers Ward

1. APPLICATION DETAILS

Location: Land at Fleet Street Hill, London, E2

Existing Use: Vacant site

Proposal: Redevelopment of the site to provide 34 residential dwellings of mixed tenure (7x 1 bed, 12 x 2 bed, 8 x 3 bed, 6 x 4 bed and 1 x 5 bed) in buildings of part one, two, three, four and eight storeys.

The development includes the provision of 135 sqm of restaurant (Use Class A3) and 671 sqm of flexible commercial and community space (Use Classes A1, B1a, D1 and D2), five car parking spaces plus other incidental works.

Drawing and documents: 092_P_0001092_P_0002,092_P_0003, 092_P_1000 rev B, 092_P_1001 rev B, 092_P_1002 rev B, 092_P_1003 rev B, 092_P_1004 rev B, 092_P_1011 rev A, 092_P_4000 rev B, 092_P_4001 rev B, 092_P_4002rev A, 092_P_4003 rev B, 092_P_4004 rev A, 092_P_4005 rev B, 413.001 A, 413.002 A and 413.003

Preliminary Accommodation Schedule dated 23rd October 2013

Design and Access Statement dated October 2013

Community Involvement Report dated July 2013

Long-Term Commercial Success Strategy dated 09 July 2013

Assessment of economic viability dated July 2011 prepared by BNP Paribas Real Estate

Planning Statement dated July 2013

Environmental Statement – Non technical summary dated July 2013

ES Volume 1: Main report Part 1: Chapters 1.0 -9.0 dated July 2013

ES Volume 1: Main report Part 2: Chapters 10.0 -19.0 dated July 2013

ES Volume 2: Townscape, Heritage and Visual Impact

Assessment reports dated July 2013
ES Volume 3 – Part 2 Transport Assessment dated July 2013 prepared by Motion
ES Volume 4 – list of Appendices
Appendix 2.1 Scoping Report for Huntingdon Industrial Estate and Fleet Street Hill 2013
Appendix 2.2 Scoping Opinion of London Borough of Tower Hamlets 2013
Appendix 2.4 Letter to H Peacock (LBTH) regarding Transport scoping and EIA
Appendix 6.1 Site Waste Management Plan for Huntingdon Industrial Estate and Fleet Street Hill (EPAL 2013)
Appendix 7.1 Open Space and Playspace Assessment (Quod 2013)
Appendix 9.2 Fleet Street Hill Noise Assessment (Hoare Lea 2013)
Appendix 10.1 Dust Risk Assessment (APPLE) for Huntingdon Industrial Estate and Fleet Street Hill (EPAL 2013)
Appendix 10.2 IAQM Risk Assessment Procedure adopted for Assessment
Appendix 10.3 Description of ADMS Roads 3.1.2 Air Quality Model (EPAL 2013)
Appendix 11.2 Phase 1 Desk-Based Ground Conditions Assessment WYG Environmental (2011)
Appendix 11.6 Unexploded Ordnance Assessment for Fleet Street Hill by EOD
Appendix 11.8 Drainage Assessment for Fleet Street Hill (2013)
Appendix 12.2 Desk-Based Archaeological Assessment for Fleet Street Hill (WYG Environment 2011)
Appendix 13.2 Desk-based pedestrian level wind assessment for Fleet Street Hill (by RWDI Anemos 2013)
Appendix 13.3 Wind Tunnel Test Report for previous Fleet Street Hill Scheme (by RWDI Anemos 2011)
Appendix 14.2 Fleet Street Hill including:
Appendix 14.2.A FSH: Transient Overshadowing Assessment
Appendix 14.2.B FSH: Internal Daylight and Sunlight Assessment
Appendix 14.2.C FSH: Overshadowing Assessment
Appendix 14.2.D FSH: Daylight and Sunlight Results for previously submitted scheme.
Appendix 15.1 HIE and FSH Ecology survey data: Species Lists and Photographs (2013)
Es Volume 5 part 2 Energy and Sustainable Design Statement revision 1 dated May 2013 prepared by Hoare Lea
Response to LBTH comments on Energy and Sustainability Statement prepared by Hoare Lea.
Environmental Statement Addendum Regulations 22 dated October 2013

Supplementary Vibration Measurements prepared by
Hoare Lea
Date: 8th November 2013 Application Reference:
PA/13/01637
Fleet Street Hill Vibration Measurements methodology
dated 8th November 2013

Applicant:	UKI (Fleet Street) Limited
Ownership:	Transport for London property
Historic Building:	N/A
Conservation Area:	The site is located within the Brick Lane / Fournier Street conservation area.

2. EXECUTIVE SUMMARY

- 2.1. The local planning authority has considered the particular circumstances of this application against the Development Plan and other material considerations as set out in this report and recommends approval of planning permission.
- 2.2. Officers consider the mixed use redevelopment of Fleet Street Hill will offer substantial benefits to the regeneration of the local area. The scheme is linked with the associated application to redevelopment Huntingdon's Industrial Estate. This application relies on an element of cross subsidy from the Huntingdon's Estate to make the scheme viable.
- 2.3. The innovative design of the scheme is considered to respond well to the constraints of this challenging site. The scheme maximises opportunities to introduce active frontages and natural surveillance. The scheme would create an attractive development around a central courtyard with distinctive architecture giving a strong sense of place. The scheme will significantly improve the linkages between Pedley Street, Cheshire Street and Brick Lane in accordance with policy.
- 2.4. The dwellings are well designed and all units have dual aspect with generous areas of private external amenity space. The potential impact of the railway on the occupiers of these dwellings, in terms of disturbance from noise and vibration, has been very carefully considered. Officers are satisfied that, providing the buildings are constructed with suitable insulation (which is secured by a series of rigorous conditions) the dwellings will offer an acceptable standard of accommodation for future occupiers.
- 2.5. The scheme proposes a mix of commercial and residential (both private and affordable) land-uses. The scheme proposes a high percentage of affordable housing, including larger family sized units. Officers are satisfied that the mix of uses is acceptable, and will contribute to policy objectives to create balanced and sustainable communities.
- 2.6. The scheme fully meets the S106 obligations specified in the adopted Planning Obligations SPD, which mitigates the impact of the development on local infrastructure. The scheme also makes a contribution towards the upgrading of the railway bridge from Cheshire Street to Fleet Street Hill which is necessary to ensure the development is properly integrated with its surroundings.

3. RECOMMENDATION

- 3.1. That the Committee resolve to GRANT planning permission subject to:
- 3.2. Any direction by the London Mayor.
- 3.3. The prior completion of a **legal agreement** to secure the following planning obligations:

Financial Obligations:

- a) A contribution of between **£54,435.95** towards employment, skills, training and enterprise.
- b) A contribution of between **£139,298.31** towards Community Facilities.
- c) A contribution of between **£3,525.00** towards Sustainable Transport.
- d) A contribution of **£383,441.03** towards Education.
- e) A contribution of **£416,228.17** towards Public Realm.
- f) A contribution of **£58,373.00** towards Health
- g) A contribution of **£250,000.00** towards Network Rail bridge improvements and other connectivity and security works in the vicinity
- h) A contribution of 2% of the total financial contributions would be secured towards monitoring.

Non-financial contributions

- i) 27 affordable housing units at Fleet Street Hill comprising:
 - 1 x 1 bedroom (intermediate)
 - 2 x 2 bedroom (intermediate)
 - 2 x 1 bedroom (affordable rent)
 - 8 x 2 bedroom (affordable rent)
 - 7 x 3 bedroom (target rent)
 - 6 x 4 bedroom (target rent)
 - 1 x 5 bedroom (target rent)
 - j) Car Free agreement
 - k) Commercial floorspace rent capped at £15 psf for five years
 - l) Council first option on D1 floorspace
 - m) Wheelchair adaptable units 1 x 3 bed and 2 x 4 bed
 - n) First refusal of commercial floorspace to any company that has been based at Huntingdon Industrial Estate for more than 10 years
 - o) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
 - p) Obligation to enter into S278 for highway improvement works following adoption of Fleet Street Hill
 - q) Clause requiring market units to be retained as wholly market.
 - r) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal
- 3.4. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
 - 3.5. That the Corporate Director Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:
 - 3.6. **Conditions**
 - 1) Three year time limit
 - 2) Compliance with approved plans

- 3) Samples of materials
- 4) Detailed design drawings
- 5) Details of acoustic wall
- 6) Full details of the Landscape/ Child play space
- 7) Full details of the biodiversity enhancement measures
- 8) Development to achieve secure by design standards
- 9) Full details of the brown roofs proposed
- 10) Submission of a Piling Method Statement
- 11) Submission of a Hydrogeological Risk Assessment
- 12) Full details of surface water draining and sustainable urban design methods
- 13) Submission of a Written Scheme of Archaeological Investigation
- 14) Contaminated Land Condition
- 15) Submission of a Parking Management Plan
- 16) Electrical Charging Points
- 17) Retention of car parking inc disabled spaces
- 18) Retention of cycle spaces
- 19) Retention of refuse spaces
- 20) Submission of a Travel Plan
- 21) Delivery and Service Management Plan
- 22) Construction management and logistics plan
- 23) Restriction on commercial uses
- 24) Compliance with Energy Statement
- 25) Code for sustainable homes level 4
- 26) Breeam Excellent for commercial uses
- 27) Noise 1: Ground Borne condition
- 28) Noise 2: Air Borne condition
- 29) Noise 3: Landscaping and Terrace condition
- 30) Noise 4: Details of any extraction systems
- 31) Noise 5: Hours of operation for any A3//D1 and D2 uses
- 32) Hours of construction
- 33) Removal of permitted development rights from A1 to A3 or from B1 to C3

3.7. **Informatives**

- 1) Subject to s106 agreement
- 2) CIL liable
- 3) Thames water informatives
- 4) English Heritage Archaeology Informative
- 5) Environmental Health informatives
- 6) Any necessary approvals form Network Rail

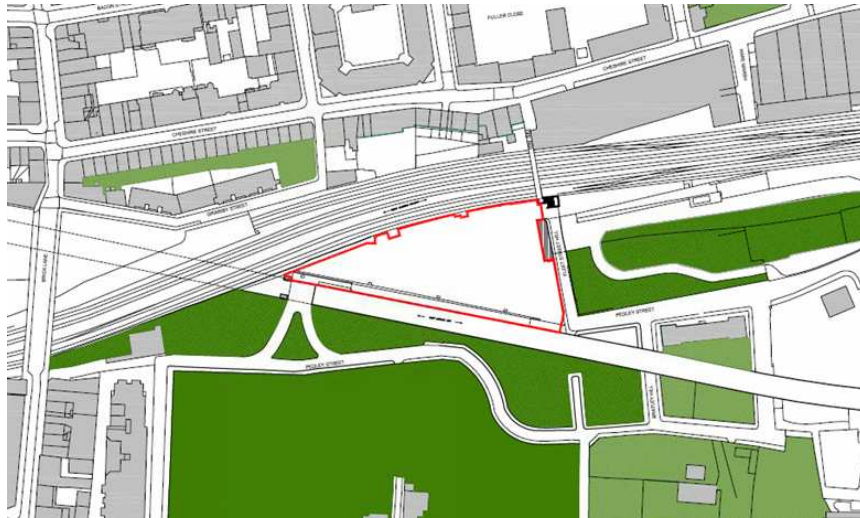
4. **PROPOSAL AND LOCATION DETAILS**

Proposal

- 4.1. The proposal is for the redevelopment of the site to provide 34 residential dwellings of mixed tenure (7x 1 bed, 12 x 2 bed, 8 x 3 bed and 7 x 4 bed) in buildings of part one, two, three, four and eight storeys in height.
- 4.2. The development includes the provision of 135 sqm of retail (Use Class A3) and 671 sqm of flexible commercial and community space (Use Classes A1, B1a, D1 and D2), five car parking spaces plus other incidental works.

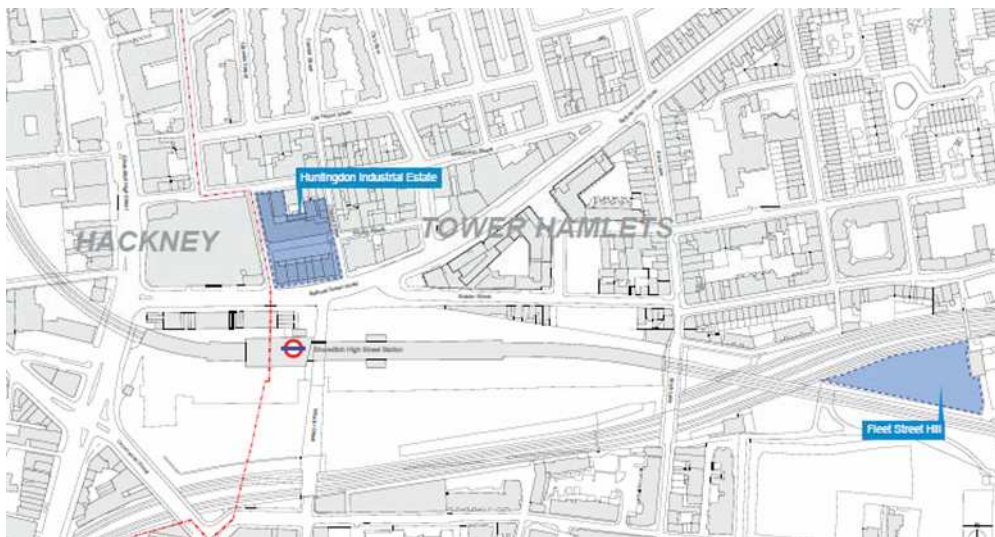
Site and Surroundings

- 4.3. The application site is known as 'land at Fleet Street Hill'. It is a vacant parcel of land roughly triangular in shape and measures approximately 0.39ha. It was formally used for the construction of the East London Line Extension and historically contained a railway viaduct which led to then Bishopsgate Goods Yard.



- 4.4. The site is bounded by the East London Overground line to the south and the National Rail lines serving East Anglia to the north. To the east of the site is Fleet Street Hill. This is road can be accessed by vehicles, however it is not adopted Highway.
- 4.5. The site can be accessed via an under pass to the south west leading to Allen Gardens - which then connects the site to Brick Lane via a walkway past the Old Shoreditch Station. A Network Rail owned and managed pedestrian footbridge is located outside the application site to the north-east and connects the site to Cheshire Street. The site can also be accessed via Fleet Street Hill, which leads to Pedley Street.
- 4.6. The site is also located within the Brick Lane Conservation Area. None of railway structures on or abutting the site are listed.
- 4.7. The surrounding area consists of a variety of different uses. To the south of the railway viaduct lies Public Open Space at Allen Gardens, which also includes Spitalfields Farm and Thomas Buxton Junior and Infants School.
- 4.8. Pedley Street runs perpendicular from Fleet Street Hill to the east of the site and primarily comprises social housing, the nearest being Weavers House, a four storey, London stock brick building consisting of sixteen maisonettes.
- 4.9. Further along Pedley Street, planning permission has been granted under planning reference PA/12/02228 for the redevelopment of site (including land at Fakruddin Street) to provide a car free development of 63 units (14 x 1 bed flats, 28 x 2 bed flats, 12 x 3 bed and 9 x 4 bed house) for 100% affordable housing within three blocks measuring between two and seven storeys including associated shared and private amenity space, the provision of allotments, disabled parking, cycle parking, child play area and community centre (273sqm).

- 4.10. The site has a public transport accessibility level (PTAL) of 3, with 1 being the lowest and 6 being highly accessible. A dedicated TfL cycle route also runs along a strip of land within the southern boundary of the site.
- 4.11. This application has been submitted concurrently with an application to redevelop Huntingdon Estate, located on the north side of Bethnal Green Road. The Fleet Street Hill site represents an off-site offer for the bulk of the affordable housing provision for Huntingdon Estate. The report on this related application appears elsewhere on this agenda.
- 4.12. The application sites location in relation to Huntingdon Industrial Estate is shown in the following map. The sites are roughly 500 metres apart along a route through Sclater Street, Cheshire Street and the earlier mentioned Network Rail bridge.



Relevant Planning History

- 4.13. PA/11/00459- Full Planning Application was received on 1st March 2011 on the application site.
- 4.14. The application sought consent for the erection of buildings of part 1, 2, 3, 4 & 11 storeys in height comprising 43 dwellings (Use Class C3); a community centre (Use Class D1); the relocation of the existing pedestrian and cycle route together with hard and soft landscaping across the site, plus other works incidental to the application.
- 4.15. The application also proposed the affordable housing element of a planning application at the Huntingdon Industrial Estate (application reference PA/11/00460)
- 4.16. Both applications were withdrawn on 21st November 2011, following concerns raised by Council officers and a recommendation to refuse planning permission for the development. The key concerns of FSH at the time relating to placemaking and liveability.
- 4.17. In addition, concerns were highlighted over the quality of the amenity space provision; the separation distances between habitable facades; the lack of defensible space and the juxtaposition with the surrounding railway infrastructure.

- 4.18. The current applications seek to overcome these concerns and are a result of detailed pre-application discussions.

5. POLICY FRAMEWORK

- 5.1. For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

- 5.2. **Government Planning Policy Guidance/Statements**
National Planning Policy Framework (March 2012) (NPPF)

- 5.3. **Spatial Development Strategy for Greater London - London Plan 2011 (LP) the Revised Early Minor Alterations to the London Plan published 11th October 2013**

- 2.15 Town centres
- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and addressing health inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing potential
- 3.5 Quality and Design of housing developments
- 3.6 Children and young peoples play and informal recreation facilities
- 3.8 Housing Choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual and mixed use schemes
- 3.13 Affordable housing thresholds
- 3.16 Protection and enhancement of social infrastructure
- 4.1 Developing London’s economy
- 4.2 Offices
- 4.3 Mixed use development and offices
- 4.7 Retail and town centre development
- 4.8 Supporting a successful and diverse retail sector
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.5 Decentralised energy networks
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.1 Strategic approach to transport
- 6.3 Assessing effects of development on transport capacity
- 6.4 Enhancing London’s transport connectivity
- 6.5 Funding Crossrail and other strategically important transport infrastructure

- 6.9 Cycling
- 6.10 Walking
- 6.12 Road network capacity
- 6.13 Parking
- 7.1 Building London's neighbourhoods and communities
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.7 Location and design of tall and large buildings
- 7.8 Heritage assets and archaeology
- 7.9 Heritage led regeneration
- 7.11 London view management framework
- 7.12 Implementing the London view management framework
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 7.18 Protecting local open space and addressing local deficiency
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodland
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy (CIL)

5.4. Tower Hamlets Core Strategy (adopted September 2010) (CS)

- SP01 Refocusing on our town centres
- SP03 Creating a green and blue grid
- SP04 Creating a Green and Blue Grid
- SP05 Dealing with waste
- SP06 Delivering successful employment hubs
- SP08 Making connected Places
- SP09 Creating Attractive and Safe Streets and Spaces
- SP10 Creating Distinct and Durable Places
- SP11 Working towards a Zero Carbon Borough
- SP12 Delivering placemaking
- SP13 Planning Obligations

5.5. Managing Development Document (adopted April 2013) (MDD)

- DM0 Delivering Sustainable Development
- DM1 Development within the town centre hierarchy
- DM2 Local shops
- DM8 Community infrastructure
- DM9 Improving air quality
- DM10 Delivering open space
- DM11 Living buildings and biodiversity
- DM12 Water spaces
- DM13 Sustainable drainage
- DM14 Managing Waste
- DM15 Local job creation and investment
- DM16 Office locations
- DM20 Supporting a Sustainable transport network
- DM21 Sustainable transportation of freight
- DM22 Parking
- DM23 Streets and the public realm
- DM24 Place sensitive design

DM25 Amenity
DM26 Building heights
DM27 Heritage and the historic environments
DM28 World heritage sites
DM29 Achieving a zero-carbon borough and addressing climate change
DM30 Contaminated Land

5.6. Supplementary Planning Documents

Planning Obligations SPD – LBTH – January 2012
Town Centres Draft Supplementary Guidance (January 2013)
Draft Sustainable Design and Construction SPG (July 2013)
Shaping Neighbourhoods: Character and Context - draft (February 2013)
Housing Supplementary Planning Guidance (November 2012)
Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy (April 2013)
Shaping Neighbourhoods: Play and Informal Recreation (September 2012)
London View Management Framework SPG (March 2012)
London World Heritage Sites - Guidance on Settings SPG (March 2012)
SPG: Planning for Equality and Diversity in London (October 2007)
SPG: Sustainable Design and Construction (May 2006)
SPG: Accessible London: Achieving an Inclusive Environment (April 2004)

5.7. Tower Hamlets Community Plan

The following Community Plan objectives relate to the application:

- A Great Place to Live
- A Prosperous Community
- A Safe and Supportive Community
- A Healthy Community

5.8. Other Material Considerations

EH Guidance on Tall Buildings
Seeing History in the View
Conservation Principles and Practice

6. CONSULTATION RESPONSE

6.1. The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2. The following were consulted regarding the application:

Crossrail Limited

6.3. Crossrail Limited do not wish to make any comments on this application as submitted.

6.4. *[Officer Comment: This is noted]*

English Heritage

6.5. English Heritage do not have any comments to make on this application.

6.6. *[Officer Comment: This is noted]*

English Heritage Archaeology (EHA)

- 6.7. EHA have advised the proposed development may affect remains of archaeological importance. However, any further work is not required to be undertaken prior to determination of this planning application.
- 6.8. Should planning permission be granted a condition is requested by EHA to secure detailed investigations to ensure any remains are extensively investigated prior to the commencement of development.
- 6.9. *[Officer Comment: EHA have advised on the wording of the condition, which is recommended by officers]*

Environment Agency (EA)

- 6.10. Whilst Environmental Agency have not raised objections to the scheme, they have requested conditions and informatives in relation to any piling. The purpose of these conditions and informatives are to ensure any piling does not disturb or contaminate aquifers.
- 6.11. Environmental Agency have advised that a Hydrogeological Risk Assessment of physical disturbance to the aquifer should also be undertaken and if unacceptable risks are identified, appropriate mitigation measures must be provided.
- 6.12. *[Officer Comment: These comments have been taken into account and the relevant conditions and informatives are recommended on the consent]*

London Fire and Emergency Planning Authority

- 6.13. No comments received
- 6.14. *[Officer Comment: The application has been accompanied with tracking diagrams demonstrating how vehicles will be able to access the central courtyard in emergencies and given this matter will be further considered within the building control stage no further action is considered necessary]*

Tower Hamlets Primary Care Trust

- 6.15. The proposed number of residential units generates an Health Contribution of £58,373.
- 6.16. *[Officer Comment: This is noted and the s106 is discussed in greater detail within the material planning section of the report]*

Transport for London

- 6.17. Transport for London have advised that the level of cycle parking and car parking is consistent with the London Plan and have requested electric vehicle charging points (1 active and 1 passive) to be provided within the development.
- 6.18. Transport for London have also recommended a parking management plan to allocate the parking within the development.

- 6.19. Due to the unattractiveness of the pedestrian bridge over the railway, TfL expect improvements to be proposed. Due to its location, TfL also recommended a contribution of £15,000 for Legible London signing.
- 6.20. TfL is content a Construction Logistic Plan (CLP) and a Delivery and Servicing Plan (DSP) will be secured by conditions.
- 6.21. As this is a small site TfL do not require a travel plan, however, as this site is linked with the former Huntingdon Industrial Estate development, TfL recommends that once the travel plan for that site is agreed, the objectives and measures should be adopted for this site.
- 6.22. *[Officer Comment: These comments have been noted. The electric charging points, cycle parking, parking management plan, CLP, DSP and travel plan will be secured via the imposition of conditions. These matters along with the improvements to the pedestrian bridge are discussed further within the material planning section of the report. With regards to legible London, the applicant has agreed to a s106 contribution of £250,000.00 which includes signage and lighting improvements]*

London Bus Services Ltd.

- 6.23. No comments received.

GLA

- 6.24. No comments received within this application. Comments received on Huntingdon Industrial Estate confirm the GLA consider Fleet Street Hill to provide the affordable housing obligation of Huntingdon to be acceptable.

TFL London Underground

- 6.25. No comments received

The Twentieth Century Society

- 6.26. No comments received

London Overground Infrastructure

- 6.27. No comments received

Network Rail Infrastructure Ltd.

- 6.28. Network Rail that we have been working with London and Newcastle on the above planning application and support the planning application.

- 6.29. *[Officer Comment: This is noted]*

The Victorian Society

- 6.30. No comments received

Thames Water Utilities Ltd.

Waste Comments

- 6.31. Thames water advise that no impact piling shall take place until a piling method statement has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Piling has the potential to impact on local underground sewerage utility infrastructure.
- 6.32. In addition, it is advised that where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required.
- 6.33. 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.

Water Comments

- 6.34. Thames Water also recommended informatives advising of the Thames Water main crossing the site and also of the minimum water pressure that will be able to be provided at the site.
- 6.35. *[Officer Comment: The comments have been noted and all requested conditions and informatives are recommended on the planning permission.]*

Conservation And Design Advisory Panel (CADAP)

- 6.36. CADAP were consulted on the application at pre-application stage. CADAP members questioned quantum of ground floor commercial units and their long-term sustainability and suggested measures were put in place for the subsidy and management of these units.
- 6.37. CADAP members considered off-site improvements should also be secured to the railway arch to the east and railway undercroft to the south-west, for example lighting.
- 6.38. The overall reduction in density was welcomed. This has helped relieve the pinch point to the western end of the site and reduce the height of the tower element. The 'folly' walls are supported as an innovative way of achieving enclosure and acoustic protection.
- 6.39. Overall, CADAP strongly supported the Fleet Street Hill scheme as an inventive and thoughtful design for a heavily constrained site.
- 6.40. *[Officer Comment: The support of CADAP is noted. In order to ensure the commercial units are affordable and used, as part of the s106 the applicant has agreed to reduced rents, as discussed further within this report. Contributions have also been secured to the public realm improvements.]*

Communities, Localities and Culture (CLC)

- 6.41. CLC note that the increase in population as a result of the proposed development will increase demand on the borough's open spaces, sports and leisure facilities and on the borough's Idea stores, libraries and archive facilities. The increase in population will also have an impact on sustainable travel within the borough. Various requests for s106 financial contributions are sought.

- 6.42. *[Officer Comment: The various Section 106 financial contributions sought have been agreed with the applicant and are discussed within the main body of this report]*

Parks & Open Spaces

- 6.43. No comments received.

Education Development Team

- 6.44. No comments received.

- 6.45. *[Officer Comment: An education contribution which is in line with the child yields set within the planning obligations SPD have been agreed with the applicant]*

Environmental Health - Contaminated Land

- 6.46. Environmental Health Contaminated Land have reviewed the submitted information and consider there is a possibility for contaminated land to exist. A condition should be applied to ensure any contaminated land is appropriately dealt with.

- 6.47. *[Officer Comment: The suggested condition is recommended to this application]*

Environmental Health - Air Quality

- 6.48. No comments received.

- 6.49. *[Officer Comment: Conditions will be imposed to ensure the impact on air quality is appropriately mitigated during the construction of the development]*

Environmental Health – Noise and Vibration

- 6.50. Environmental Health have reviewed the Supplementary Vibration Measurements by Hoare Lea and a review of the planning conditions suggested by the case officer. Based on the conditions Environmental Health has no objection to the planning application.

- 6.51. *[Officer Comment: Detailed conditions have been agreed with the applicant, Environmental Health and an independent consultant to ensure the proposed development is suitably designed to protect the amenity of future residents]*

Transportation & Highways

- 6.52. The site is located in an area of moderate public transport accessibility (PTAL3). However, Highways regards this rating as an underestimate of the accessibility of the site given its relatively central location and proximity to Shoreditch High Street and Whitechapel stations.

- 6.53. Given the number of residential units proposed in the development, there is clear potential for demand for on-street parking to overwhelm local supply. Given this and the underestimate of public transport accessibility, the development should be subject to a s106 agreement prohibiting all occupiers of the new residential units from obtaining on-street parking permits issued by LBTH.

- 6.54. *[Officer Comment: The applicant has agreed to future residents of the development being prohibited from obtaining on-street car parking spaces subject to permit transfer scheme]*
- 6.55. The development proposals include 5 parking spaces, three of which meet the space requirements for Blue Badge holders. The Blue badge spaces are acceptable in principle, as is passive provision for a Car Club space. However, the applicant has not stated to whom the remaining two parking spaces will be allocated. This information is required to ensure that the development is in line with the maximum car parking standards set out in the MDD.
- 6.56. *[Officer Comment: These parking spaces will be allocated to the residents of the proposed development and will be management via a parking management plan which is to be conditioned]*
- 6.57. The proposed development should provide dedicated storage for a minimum for 49 cycles for residents of the development. The residential cycle parking is shown within unit 1a of the development and while this will offer, safe and secure storage, it appears that there are only 42 cycle spaces.
- 6.58. *[Officer Comment: The submitted plans show the provision of 49 cycle parking spaces which is in line with this policy]*
- 6.59. The application documents show storage for 16 cycles in a safe and secure store allocated to the non-residential uses and stands for a further 26 cycles located in areas across the site. Highways recommend that the cycle store is dedicated for staff cycle parking, while the remaining outdoor parking is primarily for visitors to the site.
- 6.60. *[Officer Comment: This is noted]*
- 6.61. The proposed servicing arrangements will require service and refuse vehicles to either reverse into or from the site. Following adoption of Fleet Street Hill this will take place on public highway. Following a consideration of the anticipated use of Pedley Street and Fleet Street Hill, Highways are willing to accept a servicing arrangement that uses Fleet Street Hill to turn goods vehicles. This is considered acceptable subject to a Delivery Service Plan and the applicant providing funding for road signage and other measures to instruct goods vehicle to reverse into rather than out of the site.
- 6.62. *[Officer Comment: The applicant has agreed to this condition and confirmed that vehicles will reverse into the site.]*

Crime Prevention Officer (CPO)

- 6.63. The CPO is supportive of any development that integrates the surrounding areas. This can be done by ensuring that natural surveillance is enhanced using clear lines of sight, cctv coverage and the proposed development maintains clear natural surveillance to all aspects of the development and surrounding areas.
- 6.64. The use of 106 payments to ensure that all surrounding areas have cctv, lighting and general upgrading is supported.
- 6.65. The railway bridge towards Cheshire St is particular run down and any upgrading of this is supported.

6.66. *[Officer Comment: The scheme will be conditioned to ensure compliance with secure by design standards, and section 106 contributions have been agreed with regards to rail improvement works to the Network Rail bridge and lighting]*

7. LOCAL REPRESENTATION

7.1. At pre-application stage the applicant undertook their own community consultation. This took place at St Hilda's East Community centre on three consecutive days in February 2013. Separate meetings were also held with groups/individuals that were unable to attend. The Community Involvement Report submitted with the application indicates that as a result of these meeting, additional works was undertaken to address specific concerns raised, including different view and overshadowing analysis. The application was also presented to Strategic Development Committee at pre-application stage on 6th March 2013.

7.2. A total of 375 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised on site and in the local press. The number of representations received from neighbours and local groups in response to notification and publicity of the application to date are as follows:

No of individual responses	17	Objecting:	0	Supporting:	17
No of petitions received:	0				

7.3. The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report. For completeness, all issues raised are summarised. The full representations are available to view on the case file.

7.4. – The proposed designs are interesting, creative and in keeping within the feel of the area.

7.5. – The proposals will contribute to the necessary regeneration of the area

7.6. – The proposal is an improvement on the existing site which blights the area and promotes anti-social behaviour

7.7. – Site is appropriate for residential use

7.8. *[Officer Comment: These comment have been noted and the principle of development and design matters are discussed further within this report]*

8. MATERIAL PLANNING CONSIDERATIONS

8.1. The main planning issues raised by the application that the committee must consider are:

- § Land Use
- § Urban Design
- § Heritage Assets
- § Transport, Connectivity and Accessibility
- § Amenity
- § Energy and Sustainability
- § Biodiversity
- § Environmental Considerations

- § Environmental Statement
- § Planning Contributions and Community Infrastructure Levy
- § Local Finance Considerations
- § Human Rights
- § Equalities

Land Use

- 8.2. The proposed development seeks a mix of commercial and residential uses located around the perimeter of the site facing inwards towards an internal amenity area. The ground floor consists of the commercial units with four residential units, the upper floors contain the rest of the residential accommodation. This section discusses the principle of both uses.

Commercial Uses

- 8.3. Policy SP01 of the adopted Core Strategy (CS) seeks to support the Boroughs Town Centres. Policy SP01(5) seeks to promote areas outside and at the edge of town centres, as places that support and assist in the creation of sustainable communities.
- 8.4. This is to be achieved by promoting mix use development at the edge of town centres and promoting areas outside of town centres for primarily residential uses as well as other supporting uses that are local in nature and scale.
- 8.5. As the site is not located within any designated Town Centre, policy DM2 of the Managing Development Document also applies. This policy seeks to ensure the existing level of local shop provision throughout the borough is maintained and complements the town centre network. Part 2 of this policy states development of local shops outside of town centres will only be supported where there is a demonstrable local need that cannot be met within an existing town centre; they are of an appropriate scale to their locality, they do not affect amenity or detract from the character of the area and they do not form part of, or encourage, a concentration of uses that would undermine nearby town centres.
- 8.6. The proposal seeks the provision of 135 sqm of restaurant use (within Use Class A3) and 671 sqm of flexible commercial and community space (Use Classes A1, B1a, D1 and D2). The restaurant use is to be in the form of a café which would provide a large frontage to the amenity area of the site. The purpose of this use is to animate and provide natural surveillance within the site and to serve the proposed residential and commercial uses.
- 8.7. The remaining floorspaces are to be interchangeable between a variety of different uses within 13 individual units which measure between 28 to 53sq metres in size. Whilst the units are individually labelled, the applicant is seeking to retain the option of merging some of the units should the need arise. The purpose of these units is to provide low cost affordable floorspace which would help to deliver a genuinely mixed use development. The applicant has agreed to cap the rent levels to 15psf for a five year period to ensure the commercial floorspace is affordable, this is proposed to be secured as an s106 obligation.
- 8.8. In accordance with policies SP01 of the CS and DM2 of the MDD, it is considered that the proposed commercial use will meet a local need created by the development, is of an appropriate size and scale within the development and will not undermine the nearby Brick Lane Town Centre.

- 8.9. As such, and in order to create a vibrant and attractive place to live, the proposed commercial uses can be supported in this instance. As there is considered to be an over-concentration of A3 uses within the nearby surrounding area, the applicant has restricted the A3 use to the one unit. This approach is also supported and a condition restricting change of uses to A3 will be secured as a condition.

Housing Provision

- 8.10. At National level, the NPPF (2012) promotes a presumption in favour of sustainable development, through the effective use of land through a plan-led system, driving sustainable economic, social and environmental benefits.
- 8.11. The regeneration of sites such as this within East London is a strategic target of the London Plan (2011) as outlined within policy 1.1 which states “the development of East London will be a particular priority to address existing need for development, regeneration and promotion of social and economic convergence with other parts of London and as the location of the largest opportunities for new homes and jobs”.
- 8.12. Delivering housing is a key priority both nationally and locally and this is acknowledged within the National Planning Policy Framework, Strategic Objectives 7, 8 and 9 of the CS (2010) and policy 3.1 of the London Plan which gives Boroughs targets for increasing the number of housing units.
- 8.13. Policy SP02 of the CS (2010) sets Tower Hamlets a target to deliver 43,275 new homes (2,885 a year) from 2010 to 2025.
- 8.14. An important mechanism for the achievement of this target is reflected in LP (2011) policies 3.3 and 3.4 which seek to maximise the development of sites and thereby the provision of family housing to ensure targets are achieved.
- 8.15. The site does not have an allocation in the MDD (2013); however it is located within a wider surrounding area that contains a mix of uses including residential, it is therefore considered that this development would be an acceptable use of previously developed land in accordance with the above mentioned policies.
- 8.16. The proposed development is therefore in accordance with policy SP02 of the adopted CS which seeks to deliver 43,275 new homes and policies 3.3 and 3.4 of the LP (2011).

Density

- 8.17. Policies 3.4 of the LP (2011) and SP02 of the CS (2010) seek to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location.
- 8.18. The NPPF stresses the importance of making the most efficient use of land and maximising the amount of housing. This guidance is echoed in the requirements of LP Policy 3.4, which requires development to maximise the potential of sites, and policy 3.5 which details design principles for a compact city. Policies S07 and SP02 of the CS also seek to maximise residential densities on individual sites subject to acceptable environmental impacts and local context.
- 8.19. The site has a moderate public transport accessibility level (PTAL) of 3. In terms of density characteristics, the site is considered to have an urban character. Table 3.2

of the LP sets out that where accessibility to public transport is moderate, densities in urban settings should be between 200-450 habitable rooms per hectare.

- 8.20. Officers have calculated the density to be 361hr/ha, which is well within the recommended guidelines.
- 8.21. The proposal is supported by national, regional and local planning policy, complying with Policy 3.4 the LP (2011) and policies SP02 and SP10 of the CS (2010).

Urban Design

Policy Context:

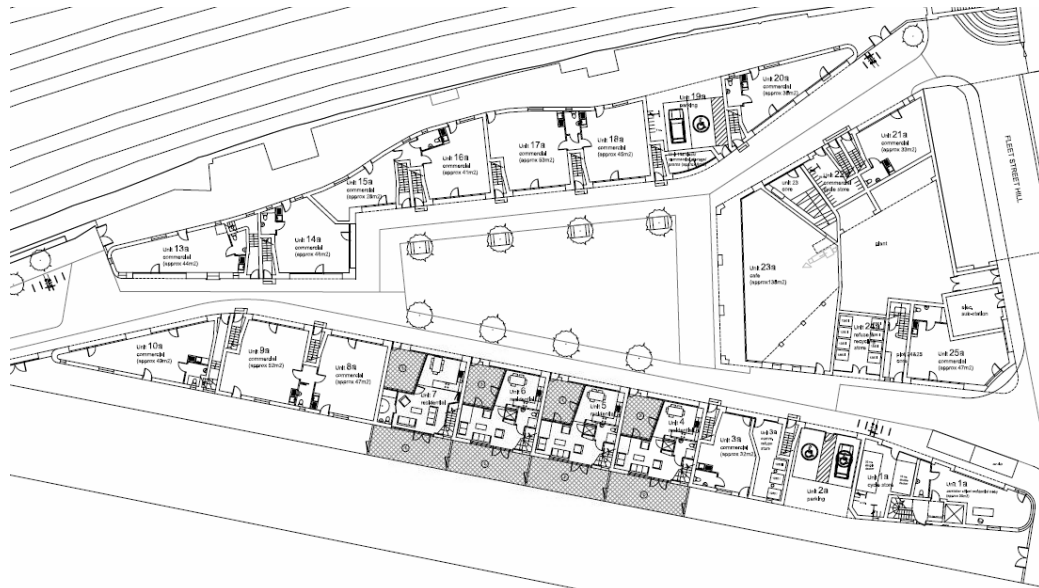
- 8.22. The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 8.23. Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimisation of the potential of the site.
- 8.24. Policy SP10 of the CS and DM23 and DM24 of the MDD, seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.

Proposal:

- 8.25. The proposal seeks the erection of three buildings on this roughly triangular site. Two would be extended along the northern and southern perimeters of the site and the third would be sited alongside the eastern boundary of the site, nearest to Fleet Street Hill.

Layout:

- 8.26. The following plan shows the proposed layout of the site. The majority of the ground floor would be in commercial usage, with some ancillary residential uses (such as a communal lobby, refuse/recycling facilities and cycle and vehicular parking).



Proposed ground floor plan

- 8.27. Four residential units are also to be located at ground floor level, with the remaining units having separate entrances along the northern and southern strips. Three of the four ground floor residential units are to be wheelchair accessible. The third building is proposed to have access via communal entrances.
- 8.28. The proposed layout enables the majority of properties to have their own individual entrances and private amenity space. The upper floors are designed to provide dual aspect units without resulting in direct overlooking to adjoining flats.
- 8.29. Overall, the quality of the layout is considered to be high and is considered to contribute to the sense of place-making that is proposed by the application.

Building Heights

- 8.30. Policy DM26 of the Managing Development Document provides the criteria for assessing the acceptability of building heights. The lowest heights are expected areas of outside town centres.
- 8.31. The existing site is vacant and enclosed by chain-link fencing. A path / cycle route runs along the southern boundary. The site is unattractive in appearance, and creates an unsafe environment for pedestrians and cyclists moving between Pedley Street and Allen Gardens or Cheshire Street.

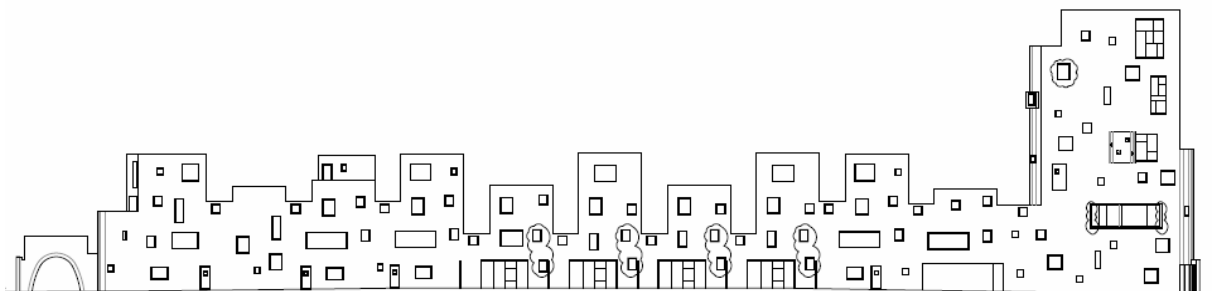


Photo showing existing site

- 8.32. The building heights of the proposed development vary up to 8 storeys in height. The majority of the height varies between three and four storeys as shown in the following plan.



- 8.33. The following elevation shows the south elevation of the southern block, outlining the variances in building heights.



Plan showing the south facing elevation of the residential building.

- 8.34. In terms of context, the rail infrastructure which bounds the site to the north and south helps to isolate the site and proposed development from a townscape context. The nearest building to the application site is Weavers House which is around four storey in height on Pedley Street. Similarly, the buildings approximately 40m north of the site on Cheshire Street are also four storeys in height.
- 8.35. In terms of responding to this context the proposed heights with the variations proposed are considered to respond well to the wider townscape. The eight storey element is proposed as a focal point to the site. Whilst this element is taller than immediate properties, it is consistent to consented schemes within the vicinity at the development approximately 100m east of the application site 'Land at Fakruddin Street and Pedley Street, London E1' which under planning reference PA/12/02228 consent was given 63 units within three blocks measuring between two and seven storeys. The taller element also plays an important role in wayfinding as it highlights the location of the site (and with it the routes through the site) in longer views from Allen Gardens.
- 8.36. The proposed buildings at this height would enable the majority of flats to be above the railway line to the south and have an additional benefit of providing natural surveillance to Allen Gardens. The existing and proposed computer generated images demonstrate this.



Existing and proposed views from Allen Gardens

- 8.37. Overall, it is considered that the proposed heights are consistent with the surrounding context and are considered acceptable in this instance.

Use of Materials

- 8.38. The submitted design and access statement outlines in a high level of detail of the materials to be used within the proposal. These are briefly outlined below.
- 8.39. The elevations are proposed to be clad in facing brick with a variation in the positioning and size of windows and balconies. At ground floor level arched recesses are proposed in the facades facing the public square and mews streets. These reflect the brick arches found within the surrounding area.
- 8.40. The proposed brick is a pale, rustic brick that would enhance the natural light within the courtyard. The windows would differ in size to would reflect the type of rooms they serve. This also gives variation to the appearance of the building facades. Some of the windows will be fairly larger to maximise the use of natural light.

- 8.41. The proposed non-residential frontages would be located within the recessed brick arches in a combination of painted timber and glazing with a stable door and stall riser.
- 8.42. The architects (Peter Barbour Associates) for the scheme have extensive experience in designing social housing in constrained urban locations. Examples of which are found within the borough at Donnybrook within Bow and Hannibal Gardens in Stepney. As part of the assessment of this application, officers have visited these sites and remain confident that subject to detailed conditions, the design is of high quality, responds well to the site constraints and is of an appropriately high standard.

Heritage Assets

Policy Context:

- 8.43. Section 12 of the NPPF provides specific guidance on 'Conserving and Enhancing the Historic Environment'. Para. 131 specifically requires that in determining planning applications, local planning authorities should take account of:
- *“desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation,*
 - *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and*
 - *the desirability of new development making a positive contribution to local character and distinctiveness.”*
- 8.44. Parts 1-3 of strategic policy SP10 of the CS provide guidance regarding the historic environment and states at Part 2 of the policy that the Borough will protect and enhance heritage assets and their setting. Policy requires that proposals protect or enhance the Boroughs heritage assets, their setting and their significance.
- 8.45. Policy DM27 Part 2 of the MDD provides criteria for the assessment of applications which affect heritage assets. Firstly, applications should seek to ensure they do not result in an adverse impact on the character, fabric or identity of the heritage asset or its setting. Part (c) also applies given it seeks to enhance or better reveals the significance of the asset or its setting.
- 8.46. The application site lies within the Brick Lane and Fournier Street Conservation Area, which is one of the largest conservation areas in Tower Hamlets, running along Brick Lane from Bethnal Green Road in the north down to Whitechapel in the south. The site is located at the north-east corner of the conservation area and to the north of Allen Gardens.

Impact on Heritage Assets:

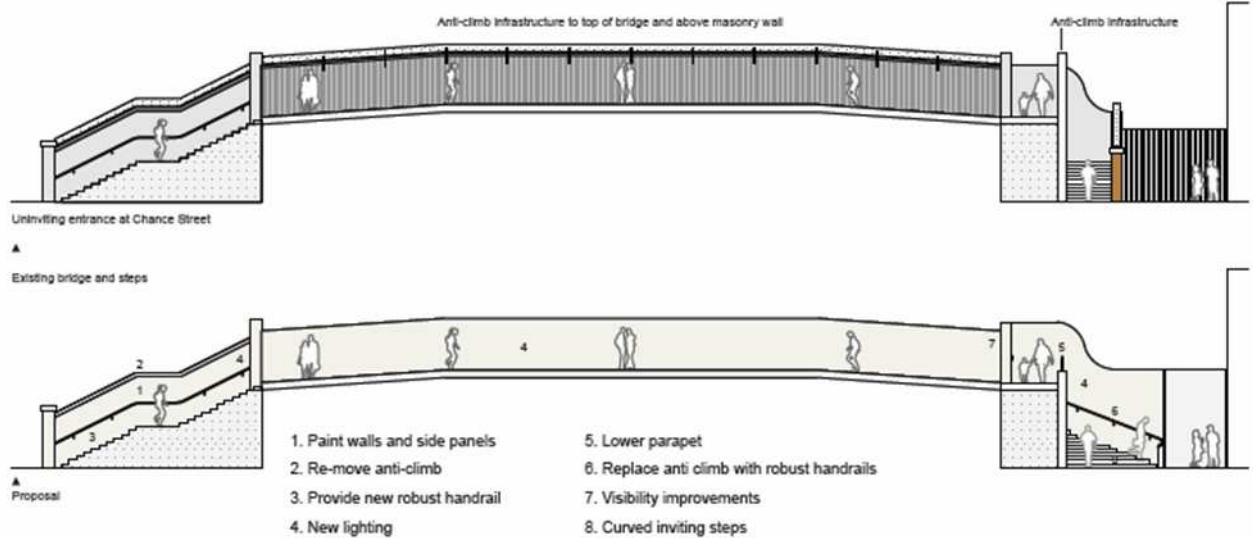
- 8.47. The site is located within the Brick Lane/ Fournier Street Conservation Area. In its existing vacant condition the site clearly detracts from the quality of the conservation area.
- 8.48. The redevelopment of site, in particular given the quality of the design and the use of materials as outlined above, is considered to enhance the character and appearance of the Brick Lane/ Fournier Street Conservation Area.

Bridge Improvements

- 8.49. To the north east of the site lies a pedestrian bridge, owned by Network Rail, the bridge provides access from Cheshire Street to Fleet Street Hill (and the Thomas Buxton School) across the railway line
- 8.50. This bridge is in a poor state of repair, has high walls and poor natural surveillance. This is considered to promote anti-social behaviour within the area. The following photograph shows the entrance of the bridge from Cheshire Street.



- 8.51. The applicant has agreed £250,000.00 contribution for public realm improvements in the vicinity of the site, including works to this bridge. The following works are proposed:
- Improved lighting and security to the underpass beneath the London Overground elevated track at the western end of the site
 - Improved lighting and security to the pedestrian route between Allen Gardens and Brick Lane
 - Improved lighting and materials to the footbridge crossing over the Network Rail line at the north east corner of the site
 - Improved lighting, way-finding and hard and soft landscaping within the western portion of Allen Gardens, including the creation of a new pedestrian link to Burton Street
- 8.52. The following image gives an indication of the alterations that could be made to the bridge (subject to agreement from Network Rail and the improvements works being brought forward). The works would include a re-configured entrance from Fleet Street Hill - which will enable greater natural surveillance.



- 8.53. These works are overall considered to be a major benefit to the area and are strongly supported by officers. The S106 agreement would secure funding to bring these works forward, and would require the developer to use 'all reasonable' endeavours to work with Network Rail to deliver the improvements.

Safety and Security

- 8.54. Policy 7.3 of the London Plan (2011) seeks to ensure that developments are designed so as to reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating by ensuring that routes and spaces are legible and well maintained, by enabling natural surveillance of publicly accessible spaces and by encouraging a level of human activity that is appropriate to the location, incorporating a mix of uses where appropriate, to maximize activity throughout the day and night, creating a reduced risk of crime and a sense of safety at all times.
- 8.55. Policy DM23(3) of the Council's adopted Managing Development Document (2013) requires development to improve safety and security without compromising good design and inclusive environments by locating entrances in visible, safe and accessible locations, by creating opportunities for natural surveillance, by avoiding the creation of concealment points, by making clear distinctions between public, semi-public and private spaces and by creating clear sightlines and improving legibility.
- 8.56. It is considered that the proposed mix of residential, commercial and community uses will improve the feeling of security by enabling activity at the site throughout the day and night, whilst the design of the building will provide good levels of natural surveillance to Allen Gardens.
- 8.57. The proposals have been reviewed by the LBTH Crime Prevention Officer, who advised that the development should include additional external lighting on the building, that there should not be recessed lobbies, that separate commercial entrances should be provided and that the pavement in the vicinity of the site should be improved. These will be secured via the imposition of conditions.

8.58. Taking into account the above, it is considered that the proposed development would reduce opportunities for criminal behaviour and contribute to a sense of security around the site and surrounding area, in accordance with Policy 7.3 of the London Plan (2011) and Policy DM23(3) of the Council's adopted Managing Development Document (2013).

Housing

8.59. Paragraph 49 of the National Planning Policy Framework seeks to ensure Housing applications are considered in the context of the presumption in favour of sustainable development.

8.60. Policy 3.3 of the LP seeks to increase London's supply of housing, requiring Boroughs to exceed housing targets, and for new developments to offer a range of housing choices, in terms of the mix of housing sizes and types and provide better quality accommodation for Londoners.

8.61. Policy SP02 of the CS seeks to deliver 43,275 new homes (equating to 2,885 per year) from 2010 to 2025 in line with the housing targets set out in the LP.

8.62. A total of 34 residential units are proposed on this site, the breakdown of which is shown in the following table. Out of the 34 units, 7 are proposed to be market housing, 3 intermediate and 24 for affordable rented accommodation. Fourteen of the 24 rented units are to be family sized (between 3 and 5 bedrooms) and would be at social target rent levels.

	Market	H/Room	Intermediate	H/Room	Rented	H/Room	Total Units	Total H/Rooms
One Bed	4	8	1	2	2	4	7	14
Two Bed	2	7	2	8	8	29	12	44
Three Bed	1	5	0	0	7	35	8	40
Four Bed	0	0	0	0	6	36	6	36
Five Bed	0	0	0	0	1	7	1	7
Total	7	20	3	10	24	111	34	141

Affordable Housing

8.63. As noted earlier, the scheme has been submitted in conjunction with a development at the Huntingdon Industrial Estate which is reported separately on the agenda. The applications are linked regarding the provision of affordable housing and dwelling mix. It is proposed that the majority of the affordable housing obligation arising from both sites is delivered at Fleet Street Hill, with a correspondingly higher level of market housing at Huntingdon Industrial Estate.

8.64. At the National level, the NPPF seeks to ensure that a wide choice of high quality homes are delivered. Where it is identified that affordable housing is needed, this need should be met on-site unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities.

8.65. The London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and that there should be no segregation of London's population by tenure. Policy 3.11 identifies that there is a

strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period which can be expressed in absolute terms or as a percentage.

8.66. Policy 3.12 is considered to be of particular relevance as it provides guidance on negotiating affordable housing provision on individual sites. The policy requires that the maximum reasonable amount should be secured on sites having regard to:

- a) Current and future requirements for affordable housing at local and regional levels
- b) Affordable housing targets
- c) The need to encourage rather than restrain development
- d) The need to promote mixed and balanced communities
- e) The size and type of affordable housing needed in particular locations
- f) The specific circumstances of the site.
- g) Recourses available to fund affordable housing, to maximise affordable housing output
- h) the priority to be accorded to the provision of affordable family housing.

8.67. The supporting text to the policy encourages developers to engage with an affordable housing provider to progress a scheme. Boroughs should take a reasonable and flexible approach to affordable housing delivery as overall, residential development should be encouraged rather than restrained. The GLA development control toolkit is an acceptable way of evaluating whether a scheme is providing the maximum reasonable amount of affordable housing.

8.68. Paragraph 3.74 of the London Plan states that affordable housing is normally required on-site. However, in exceptional circumstances it may be provided off-site on an identified alternative site where it is possible to:

- a) Secure a higher level of provision
- b) Better address priority needs, especially for affordable family housing
- c) Secure a more balanced community
- d) Better sustain strategically important clusters of economic activities, especially in parts of the CAZ and the north of the Isle of Dogs where it might be part of a land 'swap' or 'housing credit'.

8.69. The issue of affordable housing and off-site provision is similarly dealt within policy SP02 of the Core Strategy which sets an overall target of 50% of all homes to be affordable by 2025 which will be achieved by requiring 35%-50% affordable homes on sites providing 10 units or more (subject to viability).

8.70. Policy DM3 of the MDD requires developments to maximise affordable housing on-site. Off-site affordable housing will be considered where it can be demonstrated that:

- i. It is not practical to provide affordable housing on-site
- ii. To ensure mixed and balanced communities it does not result in too much of any one type of housing in one local area.
- iii. It can provide a minimum of 50% affordable housing overall
- iv. It can provide a better outcome for all of the sites including a higher level of social rented family homes and
- v. Future residents living on all sites use and benefit from the same level and quality of local services.

- 8.71. In light of the above policies when considering national, regional and local policies, off-site affordable housing is generally only acceptable in exceptional circumstances. If it is to be accepted it should provide a higher quantum than if it were on-site (subject to viability), should not undermine the objectives of providing a mixed and balanced community, should better address a priority need i.e. affordable family homes and would not reduce future residents access to services and amenities which would be available to residents of the private housing site.

Proposed Affordable Housing

- 8.72. The applicant is seeking to provide Intermediate and Market housing on HIE and Intermediate, social target, affordable rent, and Market on FSH. Based on habitable rooms, the percentage affordable on HIE is 12.2% whilst at FSH is 86%. When combined this equates to an overall affordable housing percentage of 43.8%.

Quantum of affordable housing

- 8.73. MDD policy DM3 requires a minimum of 50% affordable housing to be provided across both sites when off-site affordable housing is offered. This however is subject to viability as set out in part 3a of the Core Strategy. The London Plan and NPPF also emphasis that development should not be constrained by planning obligations.
- 8.74. Paragraph 173 of the NPPF states that “the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.” Policy 3.12 of the London Plan is clear that viability is a consideration when negotiating affordable housing “negotiations on sites should take account of their individual circumstances including development viability” and the need to encourage rather than restrain development.
- 8.75. A viability toolkit has been submitted with the scheme and this has been independently reviewed by Allsops. It has been concluded that the 43.8% affordable housing is more than what can viably be provided across the two sites.
- 8.76. As such, the level of affordable housing provided across the HIE and FSH sites is considered acceptable on balance when assessed against the viability constraints of the site and accords with policy SP02 of the Core Strategy which seeks to provide 35-50% affordable housing on all sites which provide more than 10 residential units (subject to viability). The combined schemes are offering 43.8% affordable housing. The acceptability of FSH for an off-site affordable housing scheme is also weighed against the quality of family accommodation which can be provided at this site compared to within the HIE, the development is lower density with more outdoor space which is better suited for families. Further assessment of why, on balance, officers support the off-site provision of affordable housing in this instance is set out below.

Rent Levels

- 8.77. Within the Affordable Housing tenure, the application proposes affordable rented, social target rent and Intermediate housing.
- 8.78. Social target rented housing is defined as rented housing owned and managed by local authorities and registered social landlords, for which guideline target rents are determined through the national rent regime. It may also include rented housing owned or managed by other persons and provided under equivalent rental

arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency as a condition of grant.

- 8.79. Affordable rented housing is defined as: Rented housing let by registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is not subject to the national rent regime but is subject to other rent controls that require a rent of no more than 80% of the local market rent.
- 8.80. Intermediate affordable housing is defined as: Housing at prices and rents above those of social rent, but below market price or rents. These can include shared equity products, other low cost homes for sale and intermediate rent but does not include affordable rented housing.

Actual Rent levels

- 8.81. The following are the agreed rent levels for the application:

Unit size	Rent Level	
1 bed	£207.12	Affordable 'POD' level
2 bed	£220.54	Affordable 'POD' level
3 bed	£147.70	Affordable 'POD' level
4 bed	£155.47	Social Target Rent
5 bed	£163.24	Social Target Rent

- 8.82. The Council's Housing team are supportive of the provision of affordable housing. Furthermore, the independent review of the applicant's viability toolkit revealed that this is the maximum level that can be provided, whilst ensuring the proposal is deliverable.
- 8.83. The proposed rented levels include affordable rent levels are in line with research POD undertook for the Council to ensure they are genuinely at affordable levels and social target rented levels for the family units (the Affordable POD Rents are inclusive of service charges, whereas the social target rents are not). The LBTH Housing team supports this approach, which is consistent with draft Affordable Housing SPD (engagement version 2013).

8.84.

Mixed and balanced communities

- 8.85. Concerns were raised in earlier schemes about the high proportion of rented accommodation and the lack of market housing failing to provide mixed and balanced communities. The main change within the proposal is the introduction of market accommodation and the overall reduction in family accommodation.
- 8.86. The proposed development on FSH represents a mix of tenures providing some private (14% by habitable room) shared ownership (7%) properties but a majority of social/affordable rented properties (79%). The policies which seek to ensure mixed and balanced communities do so because of the legacy of mono-tenure estates in London.

- 8.87. As outlined within the land use section, a number of commercial units are also proposed within the development. These will further encourage a range of mix and balanced community.
- 8.88. In addition, careful consideration has been given to the design of the development (as outlined within the design section of the report). This has also involved site visits to existing housing developments designed by the architects Peter Barber (Donnybrook Court and Hannibal Gardens within LBTH and Tanner Street in Barking), who have demonstrated experience in designing high quality social housing. The following is an indicate CGI of a prospective view of the internal amenity area which demonstrates the indicative level of design consideration within the development.



CGI of the internal amenity area.

- 8.89. Overall, officers are satisfied that a wide range of measures have been adopted to ensure that despite the high proportion of rented accommodation the proposed development will result in a mixed and balanced community.
- 8.90. The applicant has also sought to engage with Registered Housing Providers at an early stage in the design process to ensure that the housing is designed in a manner that would be acceptable to housing providers and enable ease of management and maintenance.

Better addressing a priority housing need

- 8.91. The FSH scheme provides a high proportion of affordable family units for rent which are a priority for the Borough. Policy SP02 seeks to ensure that within the rented tenure 45% of housing would be suitable for families. At FSH, 58% of this site would be three, four and five bedroom properties which would all be provided at social target rent levels. Each of these units have their own private amenity space, some of which are in the form of back gardens which is considered to be a good quality amenity space particularly for families with young children.

- 8.92. The provision of ground level, private amenity space is not possible on the HIE site due to its restricted size. The majority of amenity space within that development [HIE] is provided within roof terraces, and whilst some child's play space could be provided within these floors it would be difficult to provide the quantum and range of spaces required for the additional child yield associated with the provision of affordable units for rent. There is also a higher quantum of communal and public open space that can be provided on FSH when compared to the HIE site which is more suitable for non-family accommodation.
- 8.93. Overall it is considered to be a better solution to allow the affordable units for rent to be provided on the FSH as it can provide a better standard of family housing.
- 8.94. The proposed development at FSH is considered to be of a high quality design which would be located within an established residential area. It is just 500m from the HIE site and will therefore benefit from the same local infrastructure as that site. The FSH site also has the added advantage of having Allen Gardens immediately south of the site.

Conclusion.

- 8.95. On balance, it is considered in this instance that the provision of off-site affordable housing is acceptable. Whilst the schemes combined are unable to provide 50% affordable housing as per the policy requirement, officers are satisfied that the developer is maximising the provision of affordable housing as tested by an independent consultant.
- 8.96. The benefits of the scheme, including a large number of family units within the rented tenure, the quality of amenity space and the overall benefit of the regeneration of two sites is considered to outweigh the inability of the scheme to provide 50% affordable housing.

Housing Mix

- 8.97. Should Members decide that the principle of providing the majority of the affordable housing arising from the HIE within the FSH development is acceptable, the members also need to determine whether the proposed dwelling mix is satisfactory.

Housing Type and Tenure Mix

- 8.98. Policy 3.11 of the London Plan requires 60/40 split of affordable housing in favour of rented accommodation. Policy SP02(4) of the adopted CS requires a 70/30 split in favour of rented accommodation given Tower Hamlets greater need for rented units. The proposed scheme delivers a tenure split by habitable rooms of 77% rented accommodation and 23% intermediate which is policy compliant.

Mix of units

- 8.99. The proposed scheme is considered to broadly comply with Policy SP02(5) of the adopted CS and policy DM3(7) of the MDD which requires schemes to deliver a mix of units. The first table shows the mix for FSH as a stand-alone application. The second table shows the combined mix of units.

Unit size	Total units	Scheme %	Affordable Housing						Market Housing		
			rented			intermediate			private sale		
			scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
studio	0	0%	0	0%	0%	0	0%	0%	0	0%	0%
1 bed	7	21%	2	8%	30%	1	33%	25.00%	4	57%	50.00%
2 bed	12	35%	8	33%	25%	2	67%	50.00%	2	29%	30.00%
3 bed	8	24%	7	29%	30%	0	0%	25%	1	14%	20%
4 bed	6	18%	6	25%	15%	0	0%		0	0%	
5 bed	1	3%	1	4%		0	0%		0	0%	
6 bed	0	0%	0	0%		0	0%		0	0%	
TOTAL	34	100%	24	100%	100%	3	100%	100%	7	100%	100%

Table showing FSH in isolation.

8.100. It is clear from the above table, within the rented accommodation there is an under-provision of one bedroom units 8% against a target of 30% and an overall over-provision of family size units 58% against a target of 45%. When taking into account the greater need for larger family sized units, this overprovision is considered acceptable.

8.101. The number of intermediate and private units (3 and 7 respectively) are considered too low for a percentage comparison against policy to be useful. Instead it is considered that this is better made when assessing the mix of units for both sites collectively as shown in the following table.

Unit size	Total units	Scheme %	Affordable Housing						Market Housing		
			rented			intermediate			private sale		
			scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
studio	12	11%	0	0%	0%	0	0%	0%	12	16%	0%
1 bed	39	35%	2	8%	30%	6	50%	25.00%	31	41%	50.00%
2 bed	39	35%	8	33%	25%	5	42%	50.00%	26	34%	30.00%
3 bed	14	13%	7	29%	30%	1	8%	25%	6	8%	20%
4 bed	7	6%	6	25%	15%	0	0%		1	1%	
5 bed	1	1%	1	4%		0	0%		0	0%	
6 bed	0	0%	0	0%		0	0%		0	0%	
TOTAL	112	100%	24	100%	100%	12	100%	100%	76	100%	100%

Table showing FSH and HIE combined.

8.102. It is clear from the above table that within the intermediate and market units overall, there is a higher number of studio, one bedroom and two bedrooms than the Core Strategy target which is at the expense of family sized units. In terms of intermediate units only 8% are suitable for families and within the market just 9% are suitable for families across both sites.

8.103. Overall, the provision of family sized accommodation across both sites is 19% against the 30% target set within policy SP02 of the Core Strategy, however officers consider HIE to be unsuitable for a large number of family sized units and the provision of studios, one bedroom and two bedroom market units on HIE, allows an over provision of larger number of rented family size units to be sustained at FSH, which is considered acceptable.

- 8.104. Overall, it is considered that on balance the proposal would provide an acceptable mix of housing and would contribute towards delivering mixed and balanced communities across the wider area. Therefore, it is considered that the application provides an acceptable mix and percentage of affordable housing in accordance with policy 3.3 of the LP (2011), policy SP02 of the CS and policy DM3 of the MDD which seek to ensure developments provide an appropriate housing mix to meet the needs of the borough.

Standard of accommodation

- 8.105. LP policy 3.5 seeks quality in new housing provision, this is supported by policies SP02(6) and SP10(4) of the CS which supports high quality well-designed developments.

Internal Space Standards

- 8.106. LP policy 3.5, policy DM4 of the MDD requires new development to make adequate provision of internal residential space.
- 8.107. The proposed development is designed to the London Housing Design Guide standards and therefore is acceptable in terms of internal space standards. Furthermore, all the affordable family sized units have been designed with separate kitchen areas.

Wheelchair Housing and Lifetime Homes Standards

- 8.108. Policy 3.8 of the LP and Policy SP02 of the LBTH CS require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.
- 8.109. Within FSH, 3 units are proposed to be provided as wheelchair accessible and all units meet the Lifetime Homes Standard. These units 1 x 3 bed and 2 x 4 bed represent 12% of habitable rooms within the development. Policy DM4 allows for wheelchair units to be measured by habitable rooms when this provides a better outcome in terms of provision of larger units.
- 8.110. If planning permission is granted a condition would be attached to ensure that the wheelchair accessible units are delivered within the scheme.

Private and Communal Amenity Space

- 8.111. Policy DM4 of the MDD sets out standards for new housing developments with relation to private and communal amenity space. It seeks a minimum of 5 sq. m of private outdoor space for 1-2 person dwellings and an extra 1 sq. m is provided for each additional occupant. Each residential unit within the proposed development provides private amenity space in accordance with the Housing Design Guide and policy requirements, in the form of balconies and gardens.
- 8.112. For all developments of 10 units or more, 50sqm of communal amenity space (plus an extra 1sqm for every additional 1 unit thereafter) should be provided. For a scheme of 34 units the minimum communal amenity space required would be 74sqm.

8.113. The proposal delivers approximately 74sqm of usable communal amenity space within a dedicated area. This meets policy requirements and is considered acceptable.

Child Play Space

8.114. Policy 3.6 of the LP, Policy SP02 of the CS and Policy DM4 of the MDD seeks to protect existing child play space and requires the provision of new appropriate play space within new residential development. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London's SPG on 'Shaping Neighbourhoods: Play and Informal Recreation' (which sets a benchmark of 10 sqm of useable child play space per child).

8.115. Using LBTH child yield calculations, the overall development is anticipated to accommodate 35 children and accordingly the development should provide a minimum of 359sq.m of play space.

8.116. The scheme proposes 359sqm of child playspace which meets the LP and Tower Hamlets requirements.

8.117. In addition, the proposed child playspace and communal amenity space are to be designed flexibly for a wide range of uses which is supported.

8.118. Overall, the provision of child playspace is considered acceptable in relation to policy DM4 of the In addition to the quantum, the London Mayor's SPG identifies maximum walking distances to play areas for different age groups, this being 400m for those aged 5 to 11, and 800m for 12 and over. The site is immediately to the north of Allen Gardens and as such, is well within the above walking distances.

Public Open Space

8.119. The Core Strategy has a Strategic Objective to create a green and blue grid of well connected, high quality green spaces and water spaces. The Core Strategy sets out the spatial policies for achieving this objective including protecting all existing open space and wherever possible creating new open spaces. The Core Strategy notes that to achieve the 1.2 hectare per 1000 population standards the Council would need to provide 99 hectares of new open space, which would be difficult to achieve given the physical constraints in Tower Hamlets. The 1.2 hectare standard is therefore embedded as a monitoring standard to help justify local need, and secure financial contributions towards the improvement of public open space.

8.120. In this instance, a contribution of £416,228.17 has been requested towards Public Realm and streetscene improvements. This is discussed further within the 'Planning Obligations' section of this report.

8.121. To meet the 1.2 hectare per 1,000 population monitoring standard, the scheme would need to include 124sq metres based on a likely population yield of 102 new residents.

8.122. The accompanying text to policy DM10 states that in instances where public open space cannot be provided on-site then a contribution will be sought towards open space to deliver or improve existing open spaces within the borough. In this instance, using the Planning Obligations SPD as a basis, the above mentioned contribution has been secured towards public open space.

- 8.123. In conclusion, the proposed development would make a significant contribution to deliver public realm improvements. As such, the proposal accords with policy SP04 of the CS and policy DM10 of the MDD.

Daylight/ Sunlight for future occupiers.

Daylight

- 8.124. Daylight for future residents is calculated by Average Daylight Factor (ADF). ADF is a measure of interior daylight used to establish whether a room will have a predominantly daylit appearance.
- 8.125. BRE guidelines recommend the following values for dwellings. These are:
2.0% - Kitchens
1.5% - Living Rooms
1.0% - Bedrooms
- 8.126. The applicant has submitted a daylight and sunlight assessment which confirms that all but one habitable room meet the required ADF values. The one room that fails is a bedroom and this achieves an ADF value of 0.9% against a recommended value of 1%. Overall, the level of daylight for future residents is considered to be acceptable.

Sunlight

- 8.127. The BRE Report (2011) recommends that where possible all dwellings should have at least one living room which can receive a reasonable amount of sunlight. A reasonable amount of sunlight is defined in BS 8206:2008 as follows:
- 8.128. "Interiors in which the occupants have a reasonable expectation of direct sunlight should receive at least 25% of probable sunlight hours. At least 5% of probably sunlight hours should be received in the winter months, between 21 September and 21 March. The degree of satisfaction is related to the expectation of sunlight. If a room is necessarily north facing or if the building is in a densely built urban area, the absence of sunlight is more acceptable than when its exclusion seem arbitrary"
- 8.129. The applicants report confirms that, all the units facing south meet the required sunlight levels, which is in accordance with the guidance and acceptable.

Noise and Vibration

- 8.130. Chapter 11 of the NPPF gives guidance for assessing the impact of noise. The document states that planning decisions should avoid noise giving rise to adverse impacts on health and quality of life, mitigate and reduce impacts arising from noise through the use of conditions, recognise that development will often create some noise, and protect areas of tranquillity which have remained relatively undisturbed and are prized for their recreational and amenity value for this reason.
- 8.131. Policy 7.15 of the LP, policies SP03 and SP10 of the CS and policy DM25 of the MD DPD seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.
- 8.132. In terms of noise and vibration, there are a number of potential sources of noise and vibration, the main ones are listed below and discussed in more detail within this report::

- Ground borne noise and vibration as trains pass the site
 - Airborne noise to internal habitable rooms
 - Noise levels to central courtyard and amenity spaces
 - Noise arising from commercial uses at ground floor level to residential uses above
 - Noise arising from A3 uses, including hours of operation, number of patrons and any extraction systems.
- 8.133. Due to the sensitive nature of the site, an independent specialist consultant has been appointed to advise the Council and support the Environmental Health department in their technical review of these matters. The results of the review are discussed further within the report.
- 8.134. LBTH Environmental Health considers that the development falls within a Significant Observable Adverse Effect Level (SAOEL) as defined by the Noise Policy for England and that the development will experience high levels of noise and vibration from the adjacent railway.
- 8.135. The application site is bounded by two railway lines. To the north lies the main rail line in an out of Liverpool Street(which occasionally carries freight) and a raised section of the London Overground line is to the south.
- 8.136. The rail line to the north is located at ground floor level falling to around 1 metre below ground to the north-west of the site as it approaches Liverpool Street. According to the National Rail website,the last train between Mondays to Friday departs at 1 minute past midnight from Liverpool Street. The service then resumes at 5.45 am.
- 8.137. One minute past midnight is the same last train on Saturdays and Sundays.However, on Saturdays the departures begin 30minutes earlier at 5.15am and on Sundays begin at 7.30am. In all cases given the relative closeness of the site to Liverpool Station, the trains will pass eastbound within a couple of minutes of their departure.
- 8.138. The last trains coming westbound into Liverpool Street westbound are expected to arrive at 36 minutes past midnight Monday to Saturdays and 25 minutes past midnight on Sundays.
- 8.139. The earliest trains to arrive within the next cycle are expected into London Liverpool Street at 5.55 am on Mondays to Saturdays, and 8.18am on Sundays. Again, due to the proximity of the site to London Liverpool Street Station, the trains are expected to pass the site a couple of minutes before their arrival.
- 8.140. The railway line to the south, rises from 1.5 metres above ground floor level to 4.5 metres above ground floor level as it approaches the Shoreditch High Street Overground Station further west of the site.
- 8.141. This railway line serves the Highbury and Islington to New Cross, Crystal Palace, West Croydon and Clapham Junction Line, with a stop at Shoreditch High Street on the way.
- 8.142. The last train is expected at Shoreditch High Street at around 23 minutes past midnight and the earliest around 5:46 in the morning Mondays to Saturdays. The last train is expected at 21 minutes past midnight on Sundays, the earliest at 7:02.

- 8.143. As these trains pass the site, the noise is transmitted through the train tracks, into the ground where they cause vibrations to the surrounding area. The effects of ground-borne vibration if not addressed can include movement of the building floors, rattling of windows, shaking of items on shelves or hanging on walls, and rumbling sounds.
- 8.144. The rumbling sounds caused by the vibrations are referred to as ground borne noise. Given the impact of both is caused by the vibrations traveling underground and into the building via the building foundations, it is at the foundations where new developments can be designed to ensure the impact of groundborne noise and vibration is taken into account and properly mitigated against.
- 8.145. As the trains pass, noise can also travel by air, this is known as airborne noise. This also includes noise from passing cars and other noise sources.

Groundborne Noise and Vibration

- 8.146. In order to address the Groundborne noise and vibration, a noise and vibration report has been submitted with the application, which is accompanied by supplementary vibration measurements, which were carried out at the request of the Council's Environmental Health Officer. The vibration levels were originally measured using 'estimated Vibration Dose Values (eVDV)'. Following comments from Environmental Health, the applicant undertook additional testing which involved actual Vibration Dose Values (VDV).

Land Use / Time Period	Low probability of adverse comment VDV (m/s ^{1.75})	Adverse comment possible VDV (m/s ^{1.75})	Adverse comment probable VDV (m/s ^{1.75})
Residential Buildings 16-hour day	0.2 to 0.4	0.4 to 0.8	0.8 to 1.6
Residential Buildings 8-hour night	0.1 to 0.2	0.2 to 0.4	0.4 to 0.8

Table showing criteria for Assessing the Effects of Vibration on Human Response (VDV)

- 8.147. All VDV values recorded on site fall within the recommended 'Low probability of adverse comment'.
- 8.148. The Council's Environmental Health officer also requested PPV (Peak Particle Velocity) testing. This looks at the levels of vibration above which building structures could be damaged. The testing revealed that in one location at Fleet Street Hill the required level of PPV 1.0mm/s was exceeded.
- 8.149. In terms of noise, this is measured in decibels (dB), the higher the dB the greater the noise. The equipment measuring dB provides data which can be used to outline things such as the average noise over a period of time, or the average noise over 90% of the time (excluding the unusual events). It can also outline what is the maximum noise level encountered during the monitoring. The maximum refers to the worst case scenario and is referred to as L_{max}. As the human ear picks up sound differently, the data is passed through a set of 'correction terms' to make the data more relevant. This is referred to as 'A' weighting and is represented by an 'A' ie L_Amax. The higher the figure, the greater the noise as a train passes through the site.
- 8.150. In order to address the ground borne noise, you have to restrict the vibrations that are occurring to the building foundations. So naturally by reducing noise to a suitable level, you are also addressing Groundborne Vibrations.

- 8.151. In terms of LASmax, the LASmax figure set by Crossrail in relation to its impact on residential properties is LASmax 40dB. Tower Hamlets, based on local experience has set a more stringent target of noise not to exceed LASmax of 35dB.
- 8.152. The testing revealed that based on the measured vibration levels of the existing ground it is predicted that ground-borne noise levels at the application could be as high as 43dBLASmax. This is higher than the target set for vibrations arising from the Crossrail Tunnel and also the Councils Rail Noise policy standard.
- 8.153. However, as these measurements have taken place on the existing ground they have a degree of uncertainty, due to the condition of the concrete on site, the depth of the concrete, how close the concrete is to the rail track above and below ground etc. These are all subject to change when foundations are to be built. The applicant has suggested further vibration levels should be undertaken when the foundations and /or pilecaps are in place to provide more reliable results.
- 8.154. This more precise measurement of the level of vibration entering the structure can then be used to determine what mitigation is necessary. The applicant has also agreed to the Councils target of 35LASmaxdb, the VDV values of between 0.2 to 0.4 during a 16-hour day and 0.1 to 0.2 during an 8-hour night. The applicant has also agreed to ensure the PPV remains less than 1mm/s.
- 8.155. Given the sensitivities of the site, the applicant has agreed to a stringent set of conditions which are outlined below.
- 8.156. Firstly, in accordance with a detailed methodology which has already been agreed with the Council, the applicant will be required to undergo further noise testing once the foundations have been put in place. The results of the findings along with any mitigation required to achieve the above standards are required to be submitted to and approved by the local planning authority.
- 8.157. The development is only allowed to proceed in accordance with the details approved by the Council in order to achieve the standards mentioned above. The final part of the condition will require the results of post completion testing to be submitted to and approved by the local planning authority prior to first occupation of the development.
- 8.158. It is also noted that in the event these standards are not met or complaints arise, the Councils Environmental Health department have the powers under the Environmental Protection Act 1990 to prevent occupation of the building.
- 8.159. As such, subject to condition, it is considered that groundborne noise and vibration will be suitably addressed within the development.

Airborne noise

- 8.160. Airborne noise is more concerned with noise within internal rooms. The applicant in discussions with colleagues from the Environmental Health Department has agreed to the following standards. This would ensure during the night 'Good' standards during the day 'Reasonable-Good' are achieved. The standards are reflective of WHO and BS8233 documents.

Living Rooms	35dB LAeq
Bedrooms	30dB LAeq
Bedrooms	45dB LAm _{ax}

- 8.161. In order to ensure this is the case, an additional condition will be required ensuring this standard is met.

Noise levels to central courtyard and terraces

- 8.162. The BS8233 suggests it is desirable that the steady noise level for external spaces does not exceed 50 LAeq,T dB and 55 LAeq,T dB should be regarded as the upper limits. The proposed development will create two buildings on either side of the courtyard and a barrier to the north west of the site to ensure noise levels in the Courtyard are in the range of 40-45 dBLAeq. The applicant has outlined that these will be lower than currently experienced at Allen Gardens to the south.
- 8.163. The terraces are proposed with solid screening to ensure a range of 41 to 51 LAeq (day time) and 36-45 LAeq (night-time) is achieved. These are lower than the upper limits suggested by the WHO and are considered acceptable.

Noise arising from commercial uses at ground floor level to residential uses above.

- 8.164. This is a matter that would largely be dependent on construction which is required by Building Control. The mitigation proposal against Airborne noise is conditioned to meet 60dB DnTw between the commercial use and the residential uses.
- 8.165. Lastly, noise from the operations of the commercial uses in particular the A3 use will be controlled via the imposition of conditions as no end user has been identified at this stage.
- 8.166. With regards to the A3 use, an internal location has been identified for the extraction system which is considered acceptable visually. As the final details will be dependent on the end user, further details of all extraction to the A3 use will be conditioned.
- 8.167. Taking into account the above, and the imposition of robust conditions, it is considered that the proposed development would adequately protect future residential occupants from unacceptable levels of noise and vibration, and as such, preserve the residential amenity for future occupiers. The proposal is therefore in accordance with Policy SP10(4) of the Council's adopted Core Strategy (2010) and Policy DM25 of the Council's adopted Managing Development Document (2013) which require development to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm.

Air Quality

- 8.168. Policy 7.14 of the LP seeks to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality, Policy SP03 and SP10 of the CS and Policy DM9 of the MDD seek to protect the Borough from the effects of air pollution, requiring the submission of air quality assessments demonstrating how it will prevent or reduce air pollution in line with Clear Zone objectives.
- 8.169. The Air Quality assessment (chapter 12 of the Environmental Statement) suggests there will be a negligible impact in relation to air quality. The report advises that during construction good site practices such as erecting solid site boundaries, using water as a suppressant, enclosing stockpiles, switching off engines, minimising movements and creating speed limits within the site all can mitigate against any impacts. Officers recommend a Construction & Environmental Management Plan to

be secured via condition to ensure suitable measures are adopted to reduce any Air Quality impacts.

- 8.170. It is considered that the impacts on air quality are acceptable and any impacts are outweighed by the regeneration benefits that the development will bring to the area subject to conditions to ensure that dust monitoring during the demolition and construction phase are incorporated as part of the Construction & Environmental Management Plan.
- 8.171. As such, the proposal is generally in keeping Policy 7.14 of the LP, Policy SP02 of the CS and Policy DM9 of the MDD which seek to reduce air pollution.

Amenity

- 8.172. Adopted policy SP10 of the CS and policy DM25 of the MDD seek to protect residential amenity by ensuring neighbouring residents are not adversely affected by a loss of privacy or a material deterioration in their daylighting and sunlighting conditions. New developments will also be assessed in terms of their impact upon resident's visual amenities and the sense of enclosure it can create.

Daylight, Sunlight and Overshadowing

- 8.173. Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).

Daylight

- 8.174. For calculating daylight to neighbouring properties, the primary assessment is the vertical sky component (VSC) method. The 2011 BRE guidance emphasises the VSC method as the primary method of assessment. The applicant has assessed the impact on adjoining residents in relation to VSC and also daylight distribution.
- 8.175. With regards to VSC, BRE Guidelines advise that a loss of vertical sky of more than 20% becomes noticeable to residents and can potentially be considered as an adverse impact from the development.

Sunlight

- 8.176. The BRE report recommends that for existing buildings, sunlight should be assessed for all main living rooms of dwellings and conservatories, if they have a window facing within 90 degrees of due south. If the centre of the window can receive more than one quarter of annual probable sunlight hours (APSH), including at least 5% of annual probable sunlight hours in the winter months between 21 September and 21 March, then the rooms should still receive enough sunlight. If the available sunlight hours are both less than the amount above and less than 0.8 times their former value then the occupants of the existing building will notice the loss of sunlight.
- 8.177. The submitted daylight and sunlight report assesses the impact of the proposed development upon neighbouring properties.

Neighbouring Properties

- 8.178. As part of the ES daylight and sunlight chapter prepared for the previously submitted proposals for the Fleet Street Hill site, an analysis was undertaken of the impact from the proposed scheme on the daylight and sunlight levels of surrounding properties.
- 8.179. The previous scheme for the FSH site was larger in scale than the current scheme and revealed no adverse impacts to properties to the north at Cheshire Street and Weaver House, Pedley Street
- 8.180. Given that the previous scheme had no noticeable impacts to the daylight and sunlight levels of relevant surrounding properties, the current scheme will also have no noticeable impacts to relevant surrounding properties. It is therefore not considered necessary for the current scheme to be assessed in respect of daylight & sunlight impacts to surrounding properties.
- 8.181. As such, the impacts from the current FSH Development proposals on surrounding properties are considered to be negligible.

Overshadowing

- 8.182. In terms of permanent overshadowing, the BRE guidance in relation to new gardens and amenity areas states that "it is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity space should receive at least 2 hours of sunlight during 21 March".
- 8.183. The report demonstrates that the majority of the amenity areas within the development would receive at least 2 hours of sunshine during 21st March. As such, the proposal is acceptable in accordance with the above BRE guidance.

Privacy

- 8.184. The proposed development has been sensitively designed to ensure acceptable separation distances between the new buildings, with many windows at oblique angles, thus positioned to avoid direct overlooking.
- 8.185. Overall, it is considered that the proposed development is suitably designed to ensure privacy is preserved in accordance with policy SP10 of the CS and Policy DM25 of the MDD (2013). These policies seek to protect residential amenity.

Visual amenity / sense of enclosure

- 8.186. These issues are considered to be subjective. Following an assessment of the application, officers consider that given the separation distances proposed between the application site and surrounding buildings the proposed development will not give rise to any adverse impacts in terms of visual amenity or increased sense of enclosure.
- 8.187. In conclusion, it is considered that there would be no unduly detrimental impact upon the amenity of the surrounding occupants, and the density and proximity of the buildings is appropriate for the character of an urban area such as this.

Landscaping and Biodiversity

- 8.188. The London Biodiversity Action Plan (2008), policy 7.19 of the LP, policy SP04 CS and policy DM11 of the MDD seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects

and enhances areas of biodiversity value in order to achieve a net gain in biodiversity.

8.189. Given the existing site is devoid of any landscaping and has a negligible biodiversity value, the proposed development which would include 665sqm of brown roofs is considered to substantially impact on the existing site.

- Full details of the biodiversity enhancement measures
- Full details of the sedum/ brown roofs proposed

8.190. Accordingly, the proposal will serve to improve the biodiversity value as sought by policy SP04 of the CS (2010).

Transport, Connectivity and Accessibility

Car Parking

8.191. Policy SP09(4) of the Council's adopted Core Strategy (2010) and Policy DM22(2) of the Council's adopted Managing Development Document (2013) require development located in areas of good public transport accessibility and/or areas of existing on-street parking street to be secured as 'permit free'.

8.192. The proposal includes the provision of five car parking spaces on-site (one car club space, onegeneral need spaces and three disabled spaces). This level of parking is considered acceptable as the application site is located in an area with good access to public transport, with a Public Transport Accessibility Level (PTAL) of 3. Accordingly, given the PTAL rating, it is recommended that a condition be included to secure the development as 'permit free'. It is noted that a large number of family sized units are proposed within the development and that they will be eligible to transfer any existing permits. Notwithstanding the comments of the Highways officer, it is considered that any additional parking can be accommodated along Fleet Street Hill and Pedley Street, without adversely impacting on the local highway network.

Accessible Car Parking

8.193. Of the four car-parking spaces proposed, three are to be designated for disabled users. This is considered acceptable and should cater for most of the demand generated by the four wheel chair accessible units.

8.194. Given the spatial constraints of the site, officers acknowledge that the provision of any additional on-site accessible car parking space would not be feasible. It is noted that any disabled residents would be able to apply for on-street parking permits, even if the development were to be secured as 'permit free'.

Cycle Parking

8.195. Policy DM22(4) of the Council's adopted Managing Development Document (2013) requires development to meet, and preferably exceed, the Council's minimum standards for cycle parking as set out in Appendix 2 of the document. Specifically, the relevant minimum cycle parking requirements for the uses proposed in the current application are provided at Table 1 below.

8.196. Table 1: Adopted Cycle Parking Standards

Use	Minimum Cycle Parking (minimum 2 spaces)
A1 retail	1 space per 125 sqm

A3 restaurant/café	1 space per 20 seats for staff 1 space per 20 seats for visitors
B1a offices	1 space per 120 sqm
C3 residential	1 space per 1 or 2 bed unit 2 spaces per 3+ bed unit
D1 community use	1 per 10 staff 1 per 5 staff for visitors

8.197. Taking into account the above minimum standards, the proposed development would be required 49 cycle parking spaces for the residential units. The commercial uses are to be flexible so it is difficult to work out the exact usage. However, the applicant has provided a further 42 cycle spaces.

8.198. The overall, provision is supported by LBTH Transportation & Highways and will be conditioned to ensure it's retention.

Servicing

8.199. Policy SP09(3) of the Council's adopted Core Strategy (2010) and Policy DM20(2) of the Council's Managing Development Document (2013) seek to ensure that new development has no unacceptable impacts on the capacity and safety of the transport network.

8.200. The proposal includes commercial uses at ground floor level which will require goods deliveries and servicing.

8.201. The proposals have been assessed by LBTH Transportation & Highways, who consider the servicing is likely to be acceptable from Fleet Street Hill, subject to vehicles reversing onto the site. This has been agreed by the applicant and will be secured by condition.

8.202. Taking into account the above, subject to condition, it is considered that the proposed servicing arrangements for the non-residential uses is acceptable and would not have an unacceptable impact on the capacity and safety of the transport network, in accordance with Policy SP09(3) of the Council's adopted Core Strategy (2010) and Policy DM20(2) of the Council's Managing Development Document (2013).

Refuse and Recyclables Storage

8.203. Policy 5.17 of the London Plan (2011) requires all new developments to include suitable waste and recycling storage facilities. Policy SP05(1) of the Council's adopted Core Strategy (2010) and Policy DM14(2) of the Council's adopted Managing Development Document (2013) seek to implement the waste management hierarchy of reduce, reuse and recycle by ensuring that developments appropriately design and plan for waste storage and recycling facilities as a component element.

8.204. The proposed development includes a designated refuse stores around the site, the retention of which will be conditioned.

8.205. As such, subject to condition requiring the provision and retention of refuse facilities, it is considered that the proposed refuse and recyclables storage facilities are acceptable, in accordance with Policy 5.17 of the London Plan (2011), Policy SP05(1) of the Council's adopted Core Strategy (2010) and Policy DM14(2) of the Council's adopted Managing Development Document (2013).

Mayoral CIL

- 8.206. In accordance with London Plan policy 8.3, the London Mayor has introduced a London-wide Community Infrastructure Levy (CIL) that is paid on the commencement of most new development in London. The Mayor's CIL will contribute towards the funding of Crossrail. It is noted that the CIL payment has been estimated at between £46,020 for this development, when taking into account the likely social housing relief.
- 8.207. Overall, conditions to secure a construction logistics plan, a delivery and service management plan and a travel plan would lessen the impact of the development. In conclusion, the proposed development subject to mitigation would not have an unduly detrimental impact on the safety and capacity of the surrounding highway and public transport network.

Adoption of Fleet Street Hill and Pedley Street

- 8.208. Fleet Street Hill and Pedley historically were adopted Highway, following the application sites use to facilitate the works on the London Overground upgrade, the public rights of way were removed. Therefore, in order to provide access to the site, Fleet Street Hill and Pedley Street will be required to be adopted as a local highway. The Councils Highways department have agreed to adopt the road, although this will be resolved in a separate process.

Energy and Sustainability

- 8.209. Climate change policies are set out in Chapter 5 of the London Plan, strategic policy SP11 of the Core Strategy and policy DM29 of the MDD. These collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.210. The London Plan sets out the Mayor of London's energy hierarchy which is to:
- § Use Less Energy (Be Lean);
 - § Supply Energy Efficiently (Be Clean); and
 - § Use Renewable Energy (Be Green).
- 8.211. The London Plan 2011 includes the target to achieve a minimum 25% reduction in CO₂ emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2). Policy DM29 requires a 35% CO₂ reduction between 2011 to 2013, and a 50% CO₂ reduction between 2013 to 2016. The Councils Sustainability Team have confirmed that the 50% reduction will be sought on applications received after 1st October 2013. Given, this application has been submitted before 1st October the 35% reduction is applicable.
- 8.212. Policy SO3 of the CS seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. Strategy policy SP11 of the CS requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.
- 8.213. Policy DM29 of the MDD requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures.

At present the current interpretation of this policy is to require non-residential schemes to achieve a BREEAM Excellent rating.

- 8.214. Lastly, policies 5.5 and 5.6 of the LP and DM29(2) of the MDD promote the use of decentralised energy within development proposals through the use of Combined Heat and Power (CHP) systems.
- 8.215. The development would make use of energy efficiency and passive measures to reduce energy demand (Be Lean) and CO2 emissions by 18%. A site wide CHP to deliver an additional 22% reduction in CO2 emissions at the 'Be Clean' stage of the energy hierarchy.
- 8.216. The total anticipated CO2 savings from the developments are 36%, through a combination of energy efficiency measures and a CHP system. There are no renewable energy technologies proposed for the site and this is accepted as the policy target of 35% has been achieved.

Sustainability:

- 8.217. Policy DM29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all developments to achieve a minimum BREEAM Excellent rating, and a code for sustainable homes Level 4. The proposals have been designed to achieve this rating and are therefore supported by the sustainable development team. An appropriately worded condition should be applied to secure the submission of the BREEAM certificates post occupation of the building.

Environmental Considerations

Contaminated Land:

- 8.218. In accordance with the requirements of the NPPF and policy DM30 of the MDD, the application has been accompanied by an Environmental Statement which assesses the likely contamination of the site.
- 8.219. The Council's Environmental Health Officer has reviewed the documentation, and has requested that supplementary soil investigation be carried out. The submission of these details would be secured via condition should planning permission be granted.

Environmental Impact Assessment

- 8.220. The proposed development falls within the category of developments referred to in paragraph 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
- 8.221. As the proposal is likely to have significant effects on the environment, it is required to be subject to environmental impact assessment (EIA) before planning permission is granted. Regulation 3 of the EIA Regulations precludes the grant of planning permission unless prior to doing so, the Council has taken the 'environmental information' into account. The environmental information comprises the applicant's Environmental Statement (ES), any further information submitted following request under Regulation 22 of the EIA Regulations, any other substantive information relating to the ES and provided by the applicant and any representations received

from consultation bodies or duly made by any person about the environmental effects of the development.

- 8.222. The Council has an appointed environmental consultant - Land Use Consultants (LUC) - to examine the applicant's ES and to confirm whether it satisfies the requirements of the EIA Regulations. This is supported by reviews by LBTH's internal environmental specialists. Following that exercise, LUC confirmed their view that following a Regulation 22 request the ES is considered to provide a comprehensive assessment of the environmental impacts of the proposed development.
- 8.223. In summary, having regard to the ES and other environmental information in relation to the development, officers are satisfied that the environmental effects are acceptable in the context of the overall scheme, subject to conditions/obligations providing for appropriate mitigation measures.

Planning Contributions and Community Infrastructure Levy

- 8.224. Regulation 122 of CIL Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they meet the following tests:
- § Necessary to make the development acceptable in planning terms;
 - § Directly related to the development; and
 - § Are fairly and reasonably related in scale and kind to the development.
- 8.225. This is further supported by policy SP13 of the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 8.226. The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy.
- 8.227. The document also set out the Borough's key priorities being:
- Affordable Housing
 - Employment, skills, training and enterprise
 - Community facilities
 - Education
- 8.228. The Borough's other priorities include:
- Health
 - Sustainable Transport
 - Environmental Sustainability
 - Public Realm
- 8.229. The general purpose of S106 contributions is to ensure that development is appropriately mitigated in terms of impacts on existing social infrastructure such as health, community facilities and open space and that appropriate infrastructure to facilitate the development i.e. public realm improvements, are secured.
- 8.230. Based on the Planning Obligations SPD, the planning obligations required to mitigate the proposed development would be approximately £576,926.25. This has been applied as follows through the SPD.

8.231. In addition, an extra contribution of £250,000.00 has been agreed with the applicant in order to carry out improvements to the pedestrian bridge and connectivity around the site. This bridge is currently in poor condition with poor natural surveillance and for that reason officers strongly support the works to the bridge which are considered necessary for the development to proceed. This figure also includes the following:

- Improved lighting and security to the underpass beneath the London Overground elevated track at the western end of the site
- Improved lighting and security to the pedestrian route between Allen Gardens and Brick Lane
- Improved lighting and materials to the footbridge crossing over the Network Rail line at the north east corner of the site
- Improved lighting, way-finding and hard and soft landscaping within the western portion of Allen Gardens, including the creation of a new pedestrian link to Burton Street.

8.232. The total contribution sought including the two per cent monitoring fee is £863,660.77.

8.233. The requested financial heads of terms have been broken down as follows:

Financial Contributions

- a) A contribution of between **£54,435.95** towards employment, skills, training and enterprise.
- b) A contribution of between **£139,298.31** towards Community Facilities.
- c) A contribution of between **£3,525.00** towards Sustainable Transport.
- d) A contribution of **£383,441.03** towards Education.
- e) A contribution of **£416,228.17** towards Public Realm.
- f) A contribution of **£58,373.00** towards Health
- g) A contribution of **£250,000.00** towards Network Rail bridge improvements and other connectivity and security works in the vicinity
- h) A contribution of 2% of the total financial contributions would be secured towards monitoring.

Total Financial Contribution: **£863,660.77**

To add to the non-financial contributions listed below:

Non-financial Contributions

- i) 43.8% Affordable housing (based on combined habitable rooms between the Fleet Street Hill site and with associated application at Huntingdon Industrial Estate) with appropriate triggers consisting of a minimum of 27 affordable housing units at Fleet Street Hill measured in habitable rooms comprising of:
 - 1 x 1 bedroom (intermediate)
 - 2 x 2 bedroom (intermediate)
 - 2 x 1 bedroom (affordable rent)
 - 8 x 2 bedroom (affordable rent)
 - 7 x 3 bedroom (target rent)

- 6 x 4 bedroom (target rent)
- 1 x 5 bedroom (target rent)
- j) Car Free agreement
- k) Commercial floorspace rent capped at £15 psf for five years
- l) Council first option on D1 floorspace
- m) Wheelchair adaptable units 1 x 3 bed and 2 x 4 bed
- n) First refusal of commercial floorspace to any company that has been based at Huntingdon Industrial Estate for more than 10 years
- o) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
- p) Obligation to enter into S278 for highway improvement works following adoption of Fleet Street Hill
- q) Clause requiring market units to be retained as wholly market.

8.234. The above contribution have been secured and negotiated in line with the S106 SPD and officers consider that for the reasons identified above that the package of contributions being secured is appropriate, relevant to the development being considered and in accordance with the relevant statutory tests.

Local Finance Considerations

8.235. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides:

8.236. In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to the application;
- b) Any local finance considerations, so far as material to the application; and
- c) Any other material consideration.

8.237. Section 70(4) defines “*local finance consideration*” as:

- a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

8.238. In this context “grants” might include the Government’s “New Homes Bonus” - a grant paid by central government to local councils for increasing the number of homes and their use.

8.239. These issues are material planning considerations when determining planning applications or planning appeals.

8.240. Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. The proposed S.106 package has been detailed in full which complies with the relevant statutory tests, adequately mitigates the impact of the development and provides necessary infrastructure improvements.

8.241. The likely CIL payment associated with this development would be in the region £46,020.00

Human Rights

8.242. Planning decisions can have Human Rights Act 1998 implications and in terms of relevant provisions of the Human Rights Act 1998, the following are particularly highlighted to Members:-

8.243. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-

- § Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
- § Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
- § Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

8.244. This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.

8.245. Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of increased traffic generation on the highway and any noise associated with the use are acceptable and that any potential interference with Article 8 rights would be legitimate and justified.

8.246. Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.

8.247. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

8.248. As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

8.249. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions and obligations to be entered into.

Equalities

8.250. The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8.251. The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.

8.252. With regard to age, disability, gender reassignment, pregnancy and maternity, race religion or belief, sex and sexual orientation there are no identified equality considerations.

9. CONCLUSION

9.1. All other relevant policies and considerations have been taken into account. Planning permission should be supported for the reasons set out in RECOMMENDATION section of this report.

Appendix 1: Application site map

