

Strategic Development Committee	Date: 20th September 2018	Classification: Unrestricted	Agenda Item Number:
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Report of: Place Directorate	Title: Applications for Planning Permission and Listed Building Consent
Case Officer: Gareth Gwynne	Ref Nos: PA/16/03342 and PA/16/03343
	Ward/s: Bethnal Green

1.0 APPLICATION DETAILS

Location: Former London Chest Hospital, Bonner Road, London, E2 9JX

Existing Use: Vacant former hospital site

Proposals

No 1

Planning permission for demolition of all existing buildings on-site (excluding main hospital building and sanitation tower) to redevelop the site to provide 291 residential units (Use Class C3) and 428sqm non-residential institution space (Use Class D1) with the new residential units located within an enlarged main hospital building and within the erection of three new buildings (rising to a maximum of 8 storeys which includes a lower ground floor internal courtyard storey) with associated works to built heritage, selected removal of TPO trees, plus new tree planting and landscaping works, provision of 9 disabled car parking spaces and other works incidental to the development.

AND

No. 2

Listed Building Consent for works to main hospital building including; demolition of south wing and other extensions to the rear of the main building, extension across the rear of main building, removal of existing roof structure to the main building and erection of new roof, including removal and replacement of existing chimneys to roof, removal and replacement of roof dormers, alterations to the building including the removal and replacement of all windows, various internal alterations, and associated works of repair across main building; demolition of all other ancillary buildings on site; and repair and reinstatement placement where necessary of site boundary railings

Drawings & Documents: See Appendix 2 and 3

Applicant: Crest Nicholson Operations Ltd

Ownership: Bonner Road LLP

Conservation Area: Victoria Park Conservation Area

Historic Building: The Main Hospital Building, Dwarf wall, Iron Railings, Entrance Gate and Gas Lamp are Grade II Listed

2.0 EXECUTIVE SUMMARY

- 2.1 The Council has considered the particular circumstances of the planning application against the Council's Development Plan policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan (MALP) 2016, the National Planning Policy Framework, relevant supplementary planning documents, material considerations and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 with respect to the impact of the scheme upon Victoria Park Conservation Area.
- 2.2 The Listed Building Consent has been assessed in the context of Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which places a duty on Local Planning Authorities to give special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. It has been assessed against the relevant policies in the Council's Development Plan contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan (MALP) 2016 and the National Planning Policy Framework and relevant supplementary planning documents.
- 2.3 The scheme would provide 291 new homes that accord with London Plan and Local Plan policy objectives for delivering new housing of a good residential standard. The application proposes 35% affordable housing by habitable room (86 units) on a 73:27 split between affordable rented and intermediate housing by habitable room.
- 2.4 The proposed level of affordable housing has been independently assessed on behalf of the Council and found to represent the maximum reasonable amount of affordable housing deliverable within the scheme.
- 2.5 The proposed scheme would result in significant, albeit less than substantial, harm to the significance of the Grade II listed hospital building owing to the loss of various historic elements including the south wing, the main roof, and the remaining expanse of the rear elevation. There would be some harmful impacts to the setting of the hospital building arising from the proximity and height of the proposed residential buildings, proposed within its curtilage. The scheme would also result in less than substantial harm to the character and appearance of the Victoria Park Conservation Area as a result of the location, scale and appearance of the new residential buildings.
- 2.6 The proposal would result in the loss of 27 trees across the site, including 11 trees subject to the site wide Tree Preservation Order. The proposed replacement planting along with the landscaping works is considered to provide adequate mitigation so as to ensure the green character of the area is preserved.
- 2.7 The scheme would provide significant public benefits including securing the listed hospital's future up keep and conservation, additional housing, affordable housing, guaranteed public access to the front lawn of the site and improvements to a number of elements of the heritage importance across the site including sensitive repair, refurbishment and alterations to the front facade of Hospital Building and the Victorian iron railings, that would together better reveal the significance of these elements of the listed building.

- 2.8 “Less than substantial harm” to heritage assets is required by policy and statute to be given significant weight against the granting of planning permission, unless the public benefits would be such that they would, on balance outweigh the harm. Officers consider that, on balance, the scale of the public benefits which the scheme delivers would outweigh the less than substantial harm to the significance of the Grade II listed Hospital Building along with the adverse impacts upon the character and appearance of the Victoria Park Conservation Area.
- 2.9 The proposals would include the relocation of a Black Mulberry Tree to a new position on the site. The scale of the public benefits deliverable through the scheme is considered to outweigh the potential risk of the veteran Black Mulberry Tree not surviving the proposed relocation.
- 2.10 The proposed development would result in some reductions to daylight and sunlight to neighbouring properties along St James’s Avenue and Bonner Road. However, these reductions are, in part, a result of the design of the existing buildings and are not considered to be of a magnitude to warrant the refusal of the planning application.
- 2.11 In highway, servicing and transportation terms the scheme is considered acceptable, subject to use of appropriate planning conditions and fully mitigating potential additional pressures the scheme may place on surrounding on-street parking (outside the existing Parking Management Schemes (PMS)) through a review of the operation of PMS secured by a Section 106 agreement. The Section 106 agreement would also include a clause to prevent residents from obtaining an on-street residential parking permit.

3.0 RECOMMENDATIONS

3.1 That the Strategic Development Committee resolves to GRANT full planning permission subject to:

- A. Any direction by The Mayor of London
- B. The prior completion of a legal agreement to secure the following obligations:

3.2 Financial obligations:

- a) A contribution of £79,204 towards employment, skills, training and enterprise during the construction stage;
- b) A contribution of £340,506 towards carbon offsetting;
- c) A contribution of £30,000 towards parking surveys and investigating future changes to parking regimes
- d) A contribution of £70,000 for works to improve pedestrian environment junction at Old Ford Road and Sewardstone Road
- e) A contribution of £8,000 (£500 per head of term) towards monitoring compliance with the legal agreement.

Total financial contributions: £527,710

3.3 Non-financial obligations:

- a) Delivery of 35% Affordable Housing on a 73:27 split in favour of affordable rented accommodation;
- b) Early stage viability review mechanism;
- c) 16 construction phase apprenticeships;
- d) Access to employment and construction - 20% local goods/service procurement and 20% local jobs at construction phase;
- e) Permit free agreement restricting future residents from applying for parking permits;
- f) Travel Plan;
- g) Compliance with Code of Construction Practice;
- h) S.278 highways agreement the council securing public realm improvement works;
- i) Commitment to provide on-site facilities in connection with bus services;
- j) The securing of public access to the front lawn during hours of daylight;
- k) Phased delivery plan to ensure works to listed building are delivered timely and completed prior to full occupation of the new residential blocks;
- l) Future on-going maintenance agreement for bus drivers facility
- m) Retained architects for the discharging of conditions and build out of the scheme.
- n) Watching Brief to preserve and maintain historic features in main hospital range

3.4 That the Corporate Director for Place is delegated power to negotiate the legal agreement indicated above acting within delegated authority. If within three months of the resolution the legal agreement has not been completed, the Corporate Director for Place is delegated power to refuse planning permission.

3.5 That the Corporate Director for Place is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

3.6 Conditions:

Prior to commencement:

- 1. Construction Environmental Management Plan and Construction Logistics Plan to include compliance with GLA's NRMM emission and dust monitoring throughout construction phase;
- 2. Ground contamination site investigation;
- 3. Piling method statement in consultation with Thames Water;
- 4. Thames Water capacity study;
- 5. Updated bat survey (precautionary survey prior to demolition);
- 6. Full details of method of relocation of Mulberry Tree including results of non-invasive root investigation;
- 7. Archaeological scheme of investigation (prior to commencement excluding demolition)
- 8. Full details of bus drivers facility including interim provision arrangements during demolition and construction phase.

Prior to Superstructure Works:

- 9. Full details of biodiversity mitigation and enhancements;
- 10. Details within affordable rented tenure units of wheelchair accessible residential units
- 11. Surface water drainage scheme;
- 12. Details of proposed cycle parking;
- 13. Details of all external CCTV and lighting;

14. A fire safety strategy and method statement

Prior to commencement of relevant works

15. Details of all hard and soft landscaping including tree planting, external lighting, play equipment, CCTV, open space furniture
16. Details and specification of all external facing materials, including specification of external glazing and balustrading;

Prior to Occupation Conditions:

17. Agreed works to tower to be carried out prior to occupation of any residential units within Block H
18. Details of landscaping including lighting strategy, play equipment, CCTV apparatus to occupation of relevant building;
19. Delivery of energy strategy;
20. Waste and Service Management Plan
21. Ground contamination verification report;
22. Details of electric vehicle charging points;
23. Confirmation that all proposed plant complies with noise level limits;
24. Details of extraction and ventilation for D1 use;
25. Secure by Design accreditation;
26. Noise insulation measures to residential units and playspaces

Within 6 months of completion

27. As built calculations of CO2 saving
28. Achievement of Final BREEAM Excellence Certificate

Compliance Conditions:

26. Permission valid for 3 years;
27. Development in accordance with approved plans;
28. Inclusive access standards for residential units, provision of lifts
29. Hours of construction;
30. Hours of operation of the D1 use to be limited to 7.30am to 6.30pm Monday to Friday and 9am to 6pm Saturday and Sundays
31. Refuse storage to be provided prior to occupation and retained in perpetuity;
32. Cycle storage to be provided prior to occupation and retained in perpetuity.
33. Obscure glazing to north-east facing windows within Sanitation tower
34. TfL bus drivers toilet provision for life of the development
35. Permitted Development rights removed for extensions or change of use of D1 Space
36. If possible clearing of vegetation should take place outside months of September and February inclusive.

Informatives

1. Subject to S106 and S278 agreements;
2. CIL liable;
3. Thames Water informatives;
4. National Grid informative;

3.7 Any other condition(s) and/or informatives as considered necessary by the Corporate Director for Place.

3.8 That the Development Committee resolves to **GRANT** listed building consent subject to the following conditions:

Conditions

1. Time Limit 3 years
2. Full historic building survey of existing listed building fabric, including ventilation system and structural survey of the central tower.
3. Full Schedule of repair works to listed building for agreement of LPA; to include brickwork repairs, stone carving restoration, works to cills, cornice etc
4. Full schedule of internal features and proposals for retention and repair, or salvage and reuse including piscena, commemorative plaques, annunciator system dials, lobby ceiling fireplaces, historic plaster and joinery, the main staircase.
5. Full recording of the main roof and the entire south wing prior to demolition.
6. If the historic ventilation system is uncovered during works the LPA must be notified and proposals for protection / recording prepared for the approval of the LPA. No removal /relocation should take place until recording is complete.
7. Details of scheme for retention and repair of the tower and retention of the 3rd floor structure
7. Details of proposals to make the retained parts of the main hospital building wind and weathertight following demolition and in preparation for alteration.

Prior to commencement of any relevant works

8. Full particulars / including justification of approach for details of works to:
 - a. Windows
 - b. Dormers
 - c. Chimneys
 - d. Floors
 - e. The main cantilevered staircase
9. Samples of materials to include (but not limited to)
 - a. Natural welsh slate
 - b. Brick for repairs

New extension

10. Full details provided of junction between existing fabric and the new extension.
11. Details of final appearance of roof and rear extension including samples of all new external materials, paint colours, windows, metal panels

Prior to occupation

- 12 Full details of site wide signage and internal signage within listed building
- 13 Details of site wide heritage interpretation
- 14 Schedule of repairs and method statement for the repair of the railings, to include details of the alterations proposed and the new site entrances

Compliance

- 15 Secure and protect existing features prior to commencement of and during works to include historic railings, staircases and balustrades, internal decorative plaster finishes, fireplaces, decorative or structural ironwork. Details to be provided for the agreement of the LPA
- 16 All new external & internal work including finishes shall where LPA deem relevant to match existing in respect of materials used, detailed execution and finished appearance
- 17 No demolition before contract let for completion of the entire scheme including refurbishment of the listed building
- 18 No new plumbing soil stacks flues, vents, ductwork or rainwater pipes fixed to the fact of the building without written agreement
- 19 No new grilles, security alarms, lighting, camera or display screens to be fixed to the exterior of the building

3.9 Any other condition(s) and/or informatives considered necessary by the Corporate Director of Place.

4.0 LOCATION, PLANNING DESIGNATIONS, PROPOSAL

Location Details and Site Description

4.1 The application site lies in the west of the Borough just to the south west of Victoria Park. The site is triangular in shape, bound by Approach Road, St James' Avenue and Bonner Road. The site measures approximately 1.61 hectares.



Figure 1: Site Location Plan

- 4.2 The site was previously occupied by the London Chest Hospital until it was vacated by the Barts Health NHS Trust in April 2015.
- 4.3 The site comprises the main hospital building, first built in 1855, along with historic additions to this building including the South Wing (1865) and the Sanitation Tower (1892). There are also a number of post-war additions to the site including the existing north wing to the hospital building. This replaced the historic north wing which suffered extensive bomb damage during the blitz. Further twentieth century buildings on the site include a separate block of nurses' accommodation to the east of the site set towards St James's Avenue and various piecemeal blocks which accommodated administrative and ancillary functions of the hospital site. The site is contained within Victorian iron railings with ornate entrance gates.
- 4.4 The Main Hospital Building, South Wing and Sanitary Tower, together with the Victorian gas lamp, dwarf wall, iron railings and entrance gate were statutory Grade II listed 18th April 2016.
- 4.5 To the east of the site, on the eastern side of St James' Avenue, lies the St. James-the-less Church and the St James-the-less Vicarage, both of which are Grade II listed along with the railings at the street frontage. To the north of the site, the Bonner Bridge which passes over the Regent's Canal is a Scheduled Ancient Monument whilst the Bridge's Gate Piers are Grade II listed. The site and immediate surrounds lie within the Victoria Park Conservation Area.



Figure 2: Heritage assets in and surrounding the site.

- 4.6 The site has a strong green perimeter with a number of structural trees and large mature trees close to the boundary of the site. A total of 39 trees within the site are subject to a site wide Tree Preservation Order.
- 4.7 Vehicle access to the hospital site was previously from Approach Road, Bonner Road and St James's Avenue. The site is highly accessible and with the majority of the site benefiting from a Public Transport Accessibility Level (PTAL) rating of 5 / 6a (6b being the highest accessibility rating) A small section of land towards the north of the site has a PTAL rating of 3.
- 4.8 The surrounding townscape predominantly comprises three to five storey buildings which include the Raines Foundation School, Victorian terraces along Bonner Road, the Park View Estate dating from the 1950's and the Bethnal Green Methodist Church.
- 4.9 The majority of the site is located in and Archaeological Priority Area.



Figure 3: Aerial photograph of site

Proposals

- 4.10 Following the original submission of the application in December 2016, the proposals were subject to a comprehensive set of amendments in December 2017 and again in May 2018. The applicant provided a final amendment to the affordable housing provision in the scheme on 10th July 2018. These latest affordable housing amendments to the scheme did not involve any significant physical changes to the design of the scheme.
- 4.11 The proposals for determination seek permission that would see the demolition of the listed South Wing of the hospital building along with the rebuilt north wing, the central wing, the nurses' accommodation block and the remainder of the twentieth century buildings on the site.
- 4.12 A number of elements of the main hospital building would be retained, including the front façade and much of the internal fabric across lower ground to third floor level. The external fabric of the main building roof would be removed, along with the dormers and chimneys, and would be replaced with a new larger roof also incorporating dormers and chimneys. The central tower would be retained whilst the previously existing verandas wrapping around the south western corner of the building would be restored to their original open form. The proposals to the main building would see the creation of 50 residential units.
- 4.13 A further 241 residential units are proposed within three new residential buildings located towards the east of the site. These three buildings would vary in height from 4 to a maximum of 8 storeys and would be accessed from St James' Avenue.

- 4.14 The proposed residential mix by unit size is summarised in Table 1 below. By habitable room the scheme would provide 35% of the housing as affordable housing, with affordable units split 73 to 27 between affordable units and intermediate units.

Table 1: Summary of housing by unit bed spaces and residential tenure

Dwelling Type	Private	Affordable (intermediate)	Affordable Rent)
Studio	36	0	0
1 Bed	74	13	11
2 Bed	82	15	27
3 Bed	13	0	15
4 Bed	0	0	5
Total	205	28	58

- 4.15 Along with general landscaping works to the site, the proposal would see the removal of 27 trees from the site, including 11 subject to a site wide Tree Preservation Order. Replanting works to the site would consist of 21 semi-mature trees and 20 plus ornamental trees. The proposal would also see the relocation of the Black Mulberry Tree from its current location towards the north of the site to a position centrally within the front lawn.
- 4.16 The proposal would also see the provision of 428 sqm of flexible D1 (non-residential institution) space on the ground floor of the new residential building at the southern end of the site.

5.0 RELEVANT PLANNING HISTORY

On Site

- 5.1 **PA/16/03610** Tree works order granted 7th April 2016 to carry out pruning, preparation and relocation of Mulberry Tree (T82). Decision was quashed in the high court on 7th July 2017 owing to procedural issues on the part of LBTH.

Whilst there have been a number of other historic tree works applications on site, none are considered relevant to the current scheme.

Off Site

Raines Foundation School

- 5.2 **PA/10/01229** Planning permission and conservation area consent granted on 25th August 2010 for the demolition of rear and flank extensions including those to Approach and Bonner Roads to enable redevelopment of the site plus removal of 4 trees from within the school compound.

Sotherby Lodge, 41 Sewardstone Road

- 5.3 **PA/08/00153 (amended by PA/11/01592)** Planning permission and conservation area consent granted on 18th September 2008 for the demolition of the existing 3 storey building. Erection of a part 5, part 6 storey building to

provide 40 flats (15 x one bedroom, 16 x two bedroom and 9 x three bedroom).

6.0 LEGAL & POLICY FRAMEWORK

6.1 The Council in determining these applications has the following main statutory duties to perform:

- To determine the applications in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004);
- To have regard to local finance considerations so far as material to the application, and to any other material considerations (Section 70 (2) Town & Country Planning Act 1990);
- In considering whether to grant planning permission and listed building consent for development which affects the setting of a listed building, to have special regard to the desirability of preserving the setting of Listed Buildings (Section 66 (1) Planning (Listed Building and Conservation Areas) Act 1990);
- When considering the planning application to pay special attention to the desirability of preserving or enhancing the character or appearance of surrounding conservation areas (Section 72 (1) Planning (Listed Buildings and Conservation Areas) Act 1990).

6.2 For a complex application such as this one, the list below is not an exhaustive list of policies, it contains some of the most relevant policies to the application:

6.3 Core Strategy Development Plan Document (CS)

Policies:	SP01	Refocusing our town centres
	SP02	Urban living for everyone
	SP03	Creating healthy and liveable neighbourhoods
	SP04	Creating a green and blue grid
	SP05	Dealing with waste
	SP06	Delivering successful employment hubs
	SP07	Improving education and skills
	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

6.4 Managing Development Document (MDD)

Policies:	DM0	Delivering Sustainable Development
	DM3	Delivering Homes
	DM4	Housing Standards and amenity space
	DM8	Community Infrastructure
	DM9	Improving Air Quality
	DM10	Delivering Open Space
	DM11	Living Buildings and Biodiversity
	DM13	Sustainable Drainage
	DM14	Managing Waste
	DM15	Local Job Creation and Investment

DM20 Supporting a Sustainable Transport Network
 DM21 Sustainable Transport of Freight
 DM22 Parking
 DM23 Streets and Public Realm
 DM24 Place Sensitive Design
 DM25 Amenity
 DM26 Building Heights
 DM27 Heritage and Historic Environment
 DM29 Zero-Carbon & Climate Change
 DM30 Contaminated Land

6.5 **LBTH Supplementary Planning Guidance/Documents**

- Planning Obligations Supplementary Planning Document (September, 2016)
- Development Viability SPD (October 2017)
- Community Infrastructure Levy (CIL) Regulation 123 List September 2016
- Victoria Park Conservation Area Character Appraisal and Management Guidelines (2009)

6.6 **The London Plan (with MALP amendments March 2016) Policies**

- 1.1 Delivering Strategic vision and objectives
- 2.1 London Global European and UK Context
- 2.5 Sub-regions
- 2.9 Inner London
- 2.13 Opportunity Areas and Intensification Areas
- 2.14 Areas for Regeneration
- 2.15 Town Centres
- 2.18 Green infrastructure
- 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 People’s Play and Informal Recreation Facilities
- 3.7 Large Residential Developments
- 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 Private Residential and Mixed Use Schemes
- 3.13 Affordable Housing Thresholds
- 3.14 Existing Housing
- 3.16 Protection and Enhancement of Social Infrastructure
- 3.17 Health and Education Facilities
- 4.1 Developing London’s Economy
- 4.7 Retail and Town Centre Development
- 4.8 Supporting a successful and diverse retail sector
- 4.9 Small shops
- 4.11 Encouraging a connected economy
- 4.12 Improving Opportunities for All
- 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
- 5.16 Waste Capacity
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated Land
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.5 Funding Crossrail
- 6.9 Cycling
- 6.10 Walking
- 6.11 Congestion and Traffic Flow
- 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 Access to Nature and Biodiversity
- 7.10 Worlds Heritage Site
- 7.11 London View Management Framework (LVMF)
- 7.13 Safety, Security and Resilience to Emergency
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.18 Open space
- 7.19 Biodiversity and Access to Nature
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy

6.7 **London Plan Supplementary Planning Guidance/Documents**

- Housing Supplementary Planning Guidance (March 2016)
- Social Infrastructure (May 2015)
- All London Green Grid (March 2012)
- Shaping Neighbourhoods: Play and Informal Recreation SPG September 2012
- Sustainable Design & Construction SPG (April 2014)
- Accessible London: Achieving an Inclusive Environment SPG (October 2014)
- Control of Dust and Emissions During Construction and Demolition (2014) Best Practice Guide
- Shaping Neighbourhoods: Character and Context SPG (2014)
- Sustainable Design and Construction SPG (2014)

- Mayor of London's Climate Change Adaptation Strategy
- Homes for Londoners: Affordable Housing and Viability SPG Mayor of London's Affordable Housing and Viability SPG (2017)
- Planning for Equality and Diversity in London (October 2007)

6.8 **Government Planning Policy Guidance/Statements**

- The National Planning Policy Framework 2018 (NPPF)
- National Planning Practice Guidance
- National Housing Standards (October 2015)

6.9 **Other relevant documents**

- Tower Hamlets Local Biodiversity Action Plan 2014-2019
- Managing Significance in Decision-Taking in the Historic Environment Historic England Good Practice Planning Advice Note 2 (2015)
- The Setting of Heritage Asset, Historic Environment Good Practice Advice in Planning Note 3 (2015)
- Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment, English Heritage (2008)
- Conservation Area Designation, Appraisal and Management – Historic England Advice Note 1 (2016)
- Making Changes to Heritage Assets, Historic England Advice Note 2 (2015)
- Building Research Establishment (BRE) "Site layout planning for daylight and sunlight: a guide to good practice" (2011)
- The Town and Country Planning (Environmental Impact Assessment) (Amendment) (England) Regulations 2011 SI 2011 No. 1824
- Ancient Woodland and Veteran Trees Standing Advice (Forestry Commission and Natural England (November 2017)

Emerging Planning Policies

6.10 **The Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits**

Statutory public consultation on the 'Regulation 19' version of the above emerging plan commenced on Monday 2nd October 2017 and closed on Monday 13th November 2017. Weighting of draft policies is guided by paragraph 216 of the National Planning Policy Framework and paragraph 19 of the Planning Practice Guidance (Local Plans). These provide that from the day of publication a new Local Plan may be given weight (unless material considerations indicate otherwise) according to the stage of preparation of the emerging local plan, the extent to which there are unresolved objections to the relevant policies, and the degree of consistency of the relevant policies in the draft plan to the policies in the NPPF. Accordingly as Local Plans pass progress through formal stages before adoption they accrue weight for the purposes of determining planning applications. As the Regulation 19 version has not completed its process of examination by the Inspector, its weight remains limited. Nonetheless, it can be used to help guide planning applications and weight can be ascribed to policies in accordance with the advice set out in paragraph 216 of the NPPF.

The New London Plan

- 6.11 Statutory public consultation on the draft London Plan commenced on the 1st of December 2017 and closes on 2nd March 2018. The draft London Plan has been

submitted to the Secretary of State for examination. The current 2016 consolidation London Plan is still the adopted Development Plan. However, the draft London Plan is a material consideration in planning decisions. It gains more weight as it moves through the process to adoption, however, the weight given to it is a matter for the decision maker.

7.0 CONSULTATION RESPONSES

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

7.2 The following were consulted and made comments regarding the application, summarised below:

External

Historic England (HE)

Response to Full Planning Application: January 2018

7.3 *“Summary*

We welcome proposals that would enable the restoration of the listed building and its long term sustainable use. The proposals have been significantly amended over the past year, and we welcome these changes. However, there are still elements in the submitted application that will cause harm to the listed building, and LB Tower Hamlets will need to weigh this harm against public benefits when coming to a decision.

Advice

7.4 *Whilst we welcome the retention of the existing roof profile in the current proposals, our position remains very close to that set out in our previous advice letter. We welcome the broad approach to retain or restore the most significant elements of the Grade II listed building, but note that some harm will be caused, in particular through the loss of the south wing. We accept, however, that the proposals could result in a range of public benefits that could outweigh this harm.*

7.5 *Recommendation*

We urge you to mitigate as far as possible the harm caused to the historic environment, and consider carefully whether public benefits would be delivered that decisively outweigh any harm as part of your decision making process.”

Further Comment Received from HE, July 2018

7.6 *“The proposals cause some harm to heritage (loss of the slightly later wing, for example), but this is less than substantial harm and could be outweighed by public benefits. One of the major public benefits would be the restoration of the historic building and providing it with a long term sustainable use. It is important, therefore, to secure these benefits as part of a conditioned delivery plan.”*

7.7 **HE Response to Listed Building Consent Application:**

“The Borough are hereby authorised to determine the application for listed building consent as you think fit. In so doing so Historic England would stress that it is not expressing any views on the merits of proposal which are subject of the application

Greater London Authority (Stage 1 response received 22 January 2018)

Principle of Land Use

- 7.8 In light of the relocation and re-provision of healthcare services that previously existed on the application site prior to its closure to other nearby NHS facilities, and that the Council's Clinical Commissioning Group is content that existing and future healthcare need for this area will be met by new facilities in the vicinity, and subject to the Council confirming that no other form of local social infrastructure is needed as part of the sites redevelopment, the release of the majority of this site from its former healthcare use to enable the delivery of 300 new homes, including affordable housing, which will contribute towards meeting London's strategic housing need, and an element of new social infrastructure uses, is accepted and satisfactorily addresses the requirements of London Plan Policy 3.16 and policies S1 and S2 of the draft London Plan.

Heritage and Urban Design

- 7.9 The retention and restoration of the original hospital frontage of 1855 (including its later octagonal sanitation tower of 1892 and open cast iron balconies on the south east corner of 1900), its triangular front gardens and the mature trees, and railings around the perimeter of the site is strongly supported.
- 7.10 The revised proposals to replicate and repair the original single storey roof construction of the Main Hospital Building, as opposed to the construction of a double height roof, is also supported given the significant damage sustained to the original roof during WWII and unsympathetic alterations since then, and will deliver additional heritage benefits. The demolition of the unlisted twentieth century buildings which include the former nurses homes, and the north wing, raises no strategic issues.
- 7.11 GLA officers accept that the retention of the South Wing would have an impact upon the overall layout of the proposed development through the reduction in developable area, and would impact on the potential quantum of housing, and affordable housing, and increase in open space that could be otherwise delivered.
- 7.12 The revised scheme proposes to retain a bay elevation of the South Wing and reconstruct the end elevation in a style that replicates the existing Main Hospital Building and adds a matching projection on the site of the North Wing to create a symmetrical composition at the rear. This is considered a significant improvement on the original proposals and will create an appropriate memory of the South Wing (and indeed the North Wing), both of which would enhance the retained Main Hospital Building. While the loss of the substantial part of the South Wing is regrettable, given the partial retention described above, the harm caused is considered less than substantial.
- 7.13 The height and massing of the new build elements, which is predominantly five to six storeys in height, is consistent with the scale of the original hospital buildings and surrounding development, and will provide an appropriate level of enclosure to the surrounding street network. The increase in height to eight storeys at the northern corner of the site is supported in townscape terms and is not considered to harm the setting of the listed gate piers and the park. The scale of the new build elements which front St James's Avenue are similar in scale to the existing buildings both on and within the vicinity of the site, and while the proposed increase in scale of this frontage would alter the context of the listed Church and Vicarage buildings in some close range views, this change is not considered to cause harm to their setting or affect the viewers ability to appreciate the listed asset

- 7.14 GLA officers, having paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area, consider that the proposed layout and massing of the new build elements will make a positive contribution to the wider Victoria Park Conservation Area.

Housing

- 7.15 The proposed affordable housing offer of 28% by habitable room is wholly unacceptable, particularly in light of the former public ownership of the site. The financial viability assessment will be subject to robust interrogation by GLA officers to ensure that the maximum contribution is delivered in accordance with policies H5 and H6 of the draft London Plan and policies 3.11 and 3.12 of the London Plan. Further information regarding tenures is required by GLA officers.

- 7.16 A significant number of units will not be dual aspect due to the depth of the returning wall but will nevertheless benefit from an improved outlook. The applicant should however, look to maximise the proportion of dual aspect units further. The high proportion of single aspect units in the converted hospital building is accepted due to the constraints of the historic building fabric that would be harmed should this be substantially altered.

(LBTH Officer Comment: The Stage 1 GLA report predates the final affordable housing offer, hence the 28% figure cited)

GLA Update – 6th September 2018 – Affordable Housing Provision

- 7.17 GLA officers welcome the applicant's commitment to increasing the affordable housing offer from 28% to 35% by habitable room as set out in the letter from Savills dated 10 July 2018. This revised offer responds positively to the threshold approach established by the Affordable Housing & Viability SPG, and the principles set out in the London Plan and the draft London Plan and is therefore supported in principle, subject to clarification on the proposed rental levels for the low cost rent units and the affordability criteria for the shared ownership units demonstrating this accommodation will be genuinely affordable.

- 17.18 Notwithstanding the above support, the Mayor has made clear his long-term strategic aim for 50% of new homes to be affordable and will use his funding powers to increase delivery. As set out in GLA report GLA/4105/01, all referable schemes are expected to make the most efficient use of available resources to achieve this objective and as discussed at the meeting, the applicant should explore the use of available GLA grant to increase the proportion of affordable homes.

Energy

- 7.19 the proposals meet the minimum onsite carbon reduction targets set within London Plan Policy 5.2 and Policy SI2 of the draft London Plan. GLA officers require further information to verify the savings claimed including further detail on overheating risk, efficiency modelling, the site heat network, combined heat and power and renewable technologies. Once all opportunities for securing further feasible on-site savings have been exhausted, a carbon offset contribution should be secured to mitigate any residual shortfall

Arboriculture

- 7.20 In accordance with Policy G7 of the draft London Plan, the applicant must demonstrate that the substitute trees will adequately replace the existing value of

the trees to be removed. The relocation strategy for the Mulberry Tree should be appropriately assessed by the Council's Arboricultural officers.

Transportation

- 7.21 The commitment to provide bus driver facilities is strongly supported. A cycle hire docking station and additional cycle parking should be provided to accord with Policy T5 of the draft London Plan and construction logistics and delivery and servicing plans should be secured by condition.

Transport for London (TfL)

Car Parking

- 7.22 On accessible car parking they are applying new London Plan standards of 3% provision. A Car Parking Design and Management Plan should be condition to show how initial and future provision of disabled persons parking spaces will be made, managed and enforced.

Cycle Parking

- 7.23 The scheme meets the adopted London Plan standards TfL. TfL advise the applicant to apply new London Plan standards, given the scheme is car free apart from accessible car parking.

Cycle Hire

- 7.24 TfL initially requested a cycle hire docking. TfL subsequently accepted site constraints preclude provision of a docking station

Bus Driver Provision

- 7.25 The applicant's Transport Assessment confirms provision of Bus Driver Facility on site, which TfL welcome. TfL outline a suggested way forward:-

1. A condition to provide the Bus Drivers' Facility (final form or interim arrangements) prior to commencing development.
2. Definition of what should be included in the Bus Drivers' Facility [but to include toilet facilities for drivers].
3. A plan showing general location of the facility, including walking routes from the bus stand.
4. A more detail drawing showing how the applicant proposes to meet the TfL specification.
5. Agreement with TfL about the future maintenance of the Bus Drivers' Facility and access arrangements.

London Borough of Hackney

- 7.26 No objections to the proposals.

Natural England

Statutory nature conservation sites – no objection

- 7.27 Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Protected species

- 7.28 The Council should apply Natural England's standing advice on protected species.

Biodiversity enhancements

- 7.29 This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities

for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.

Victorian Society

Response dated 7 February 2017:

- 7.30 Proposals appear to be a slightly amended version of proposals drawn up on the assumption that the site did not merit listing. Design and access statement lists benefits which are not benefits e.g. retention of existing historic fabric. Alterations such as recreation of central spire and period dormers are harmful, historically inaccurate alterations.
- 7.31 Demolition of the south wing would be a regrettable loss. With the significant loss of historic fabric combined with the overdevelopment of the site, the level of harm to the heritage asset is cumulatively very high. This harm is substantial for the following reasons:
- 7.32 *'The new builds would rival the grandeur and prominence of the listed building, compromising the setting it was designed to be experienced in. If a redevelopment on this inappropriate scale is to be deemed acceptable, it must be on the grounds that most significant part of the heritage asset is treated properly'*
- 7.33 *'Arguing that the roof's significance has diminished to such an extent that its entire replacement is now acceptable, because it has been renewed in the past, is misguided. What is more important is the roof form and roof structure (according to Historic England's own guidance, often one of the most important features of a historic building) and both of these survive at the Chest Hospital. It is clear from the application material that a large number of the original roof trusses survive (blackened from soot following wartime bomb damage) and others may have been replaced, following the same format.'*
- 7.34 *This application is sufficiently flawed to warrant significant amendments being sought from the applicant, if not its refusal on the grounds of undue harm to the listed building's special historic and architectural interest.*

Response dated 7 February 2017:

- 7.35 Changes to design of the proposed roof are welcome. Proposals to roof are still of concern, including the treatment of the chimneys, the new dormer windows, and the treatment of the tower.
- 7.36 Advice has been sought from conservation engineers The Morton Partnership over whether or not the evidence in the structural report offers sufficient justification for the demolition and rebuilding of the chimneys on structural. Their conclusion is that there is no structural justification for demolishing the chimneys.
- 7.37 Application documents maintain that there is a good structural case for demolition and rebuilding of the tower, this argument is unconvincing. *"We understand that the structural integrity of the tower must be secured, but the presumption must be towards the conservation of historic fabric unless there are compelling structural reasons for demolition. The Structural Report does not offer such reasons. The tower is a significant surviving part of the original design of the hospital, both in form and in function. It was an important part of the hospital's innovative heating and ventilation system, and, although truncated, is still recognisable as a key aspect of the hospital's architectural language, recall as it does the belvederes that*

surmount some large 17th-century houses. It hence has both evidential and aesthetic value. The original fabric has largely survived wartime damage, and it is the opinion of The Morton Partnership that this fabric could feasibly be repaired. On all these grounds strongly object to the proposals for demolition.'

Response received 28 June 2018

- 7.38 Retention and refurbishment of the central tower welcomed. However proposals in respect of the chimneys have become vague and there appear to be contradictory statements across the submission documents.
- 7.39 The arguments put forward in the Heritage Statement for the replacement and repositioning of the chimneys are not considered credible.
- 7.40 The proposed new dormers fail to respect proportions of the historical dormers or the existing elevations. Size and position of two large proposed dormers below the central tower also necessitate the re-siting of chimneys, and are therefore unacceptable.
- 7.41 *In spite of the revisions the current proposals still entail high levels of harm to both the listed building and its setting, and your authority must weigh this harm against the public benefits of the proposals. In making your decision we urge you to consider carefully whether such public benefits are sufficient to outweigh the harm that the proposals will cause.*
- 7.42 For the above reasons The Victorian Society maintains its objection and encourages the authority to seek further amendments.

Greater London Archaeology Advisory Service

Response received 16 January 2017

- 7.43 Part of the site of the C16 palace of the Bishop of London lies within the northern area of the application site. It is also possible that the earlier medieval Manor House of Stepney, that was built and held by the earlier Bishops of London, may also survive within the application site.
- 7.44 Recommended that Field Evaluation & Further Historical Research should be undertaken. The nature and scope of assessment and evaluation should be agreed with GLAAS and carried out by a developer appointed archaeological practice before any decision on the planning application is taken.

Response received 2 January 2018

- 7.45 GLIAS's (Greater London Industrial Archaeological Society) recommendation for a historic buildings investigation condition with a high level of research and analysis of the results is appropriate on any forthcoming consent. The work should be undertaken by historic buildings specialists with experience in industrial archaeology and who can demonstrate awareness of the ventilation system's significance as has been outlined by GLIAS.
- 7.46 Having had the opportunity to examine the newly-submitted archaeological report, advise that a second condition for archaeological fieldwork is appropriate should the LPA grant this application. Pre-determination trenching produced limited results but was limited by on-site constraints. Although evidence for quarrying was

identified in some areas, identification of intact brickearth indicates that there remains potential for survival of archaeology relating to the history and development of the mediaeval and later Bonner Hall complex elsewhere within the site. Two separate conditions are therefore recommended

Response received 21 June 2018

- 7.47 Previous comments from 2 January 2018 remain applicable

Greater London Industrial Archaeological Society

Response received 23rd January 2017

- 7.48 The remains of the Hospital's original Heating and Ventilation system are of much technical importance and need to be thoroughly investigated and recorded for posterity.
- 7.49 The proposals to replace the roof with a much taller and larger one and rebuild the tower on a grander scale would constitute 'a pretentious piece of fakery', no longer demonstrating the original scale of this early Victorian building.

Response received 28 December 2017

- 7.50 Retention of profile of roof and central tower supported. However, object to demolition of entire roof and ventilation tower structure and recreation in matching fabric
- 7.51 Submitted structural report finds the building structurally sound and in a reasonable condition for its age. The report does not justify the replacement of the roof. The existing roof has archaeological interest, historical interest and technical interest. The technical interest is as follows:
- 7.52 *'Jeakes' system was designed to achieve an unprecedented level of control of temperature, humidity and ventilation. As part of this, the ventilation extracted from the various rooms was conducted to roof level and thence to the ventilation tower by means of individual brick ducts, formed like flues and embedded in the north-south spine wall. The List Description notes that very little visible trace of the system remains: that is because it is mostly concealed within brickwork and the vents have since been obscured. But documentary evidence indicates the ducts etc must still remain as built, concealed within the main spine wall (and with further features under floors and in vaults at sub-basement level).'*
- 7.53 *'Irrespective of decisions upon the points above, whether refurbishment or demolition, the works will allow the uncovering of many currently concealed details of the heating and ventilation system, which currently are understood only through limited drawings and descriptions. In view of the of importance of the system, and also in view of the lack of physical investigation of the contemporary alternative systems at the Royal Brompton Hospital (now converted to flats), we ask you to lay down a planning condition, that the disused warming and ventilation system at its various levels shall be investigated and recorded by buildings archaeologists, with appropriate specialist assistance, and that this work and its subsequent publication shall be to Historic England's Level 4.'*

Response received 28 June 2016

7.54 *We see that some further investigations have been made of the surviving roof structure and, while there has been various later work, a great deal appears to remain, partly concealed behind finishes. That also requires formal recording. We would remark that, while the applicant has concluded it would be difficult for him to adapt the roof structure for modern flats, that need not be the case if a different approach were taken, with fewer flats but individually designed.*

Woodland Trust

Response received 19th September 2017

7.55 *'The Woodland trust is concerned about the proposed relocation of a veteran Black Mulberry specimen to facilitate this development. The Trust's Ancient Tree Expert deems this tree to display veteran characteristics, and thus should receive the full planning protection within the National Planning Policy Framework for a tree of its designation.'*

7.56 *'The tree's assumed age of over 500 years old and the fragility of this specimen, means that any relocation will have a detrimental impact on the remaining lifespan of the tree. The Trust is concerned that there is a distinct possibility that an attempt to move it would indeed result in irreparable damage, and probably death.'*

7.57 *'The tree's cultural and heritage links to Bishop Bonner means that the Trust is also concerned as to the continued maintenance of the tree's historic significance, should the tree be relocated. It is unlikely that the tree's potential new location will inspire the same cultural value as it does within its current location. The Trust would also like to have clarified whether the Black Mulberry's continued protection under its current Tree Preservation Order will occur after any proposed relocation. This specimen, with its biological and historical value, should continue to be protected from all un-sanctioned tree works.'*

7.58 *'The Trust considers the tree should be retained and the scheme modified to accommodate this. Such a change is not without precedent, as the University Of Nottingham modified their proposal for a new sports complex that originally required the removal of three veteran oak trees, each at least 150 years old. The application was subsequently resubmitted with revised plans moving the proposal nine metres to the south east, saving all three trees.'*

7.59 *'The Trust recommends a more precautionary approach is warranted for veteran trees, and hence that root protection area (RPA) distances should be greater than the standard buffers stated in BS 5837:2012 Trees in relation to design, demolition and construction - recommendations. To ensure survival of such a tree, the RPA should be a minimum of 15 times the diameter of the tree trunk or 5 metres beyond the canopy, whichever is the greater, as suggested by experts on this topic.'*

7.60 *'The Woodland Trust objects to the proposed development on the grounds of disturbance and relocation of a culturally and biologically important Black Mulberry. The Trust believes that the tree should be retained within its current location without disturbance from the development, and an appropriate Root Protection Area considered. The Trust recognises that the tree has been previously constrained by buildings within the vicinity, and thus the tree should be protected from further disturbances. The Trust also asks that a CAVAT or iTREE Eco assessment is carried out on the mulberry, to determine its value as a public asset.'*

Response received 19th December 2017

7.61 *It is relevant to note that Natural England's standing advice on Ancient Woodland and Veteran Trees was updated on the 27th November 2017. In order to protect aged or veteran trees from development, the Standing Advice now states: "leaving a buffer zone of at least 15 times larger than the diameter of a veteran tree or 5m from the edge of its canopy, if that's greater.*

7.62 *"[The LPA] and the developer should identify ways to avoid negative effects on ancient woodland or veteran trees, such as selecting an alternative site for development, or redesigning the scheme. Ancient woodland or veteran trees are irreplaceable, so you should not consider proposed compensation measures as part of your assessment of the benefits of the development proposal."*

Response received 26th June 2018

7.63 *'The Woodland Trust will be maintaining an objection to this application based on the potential loss and/or damage of the veteran Black Mulberry.*

7.64 *The Trust would like to see the retention and appropriate management of the mulberry tree in-situ, which is clearly the most sensible approach for its long term survival. However, if you are minded to approve this application with the translocation proposals suggested, we urge you to ensure that the veteran black mulberry is fully safeguarded during this process, with a clear programme established for further observation and maintenance included within the planning conditions.'*

London Fire and Emergency Planning Authority

7.65 Pump appliance access and water supplies for the fire service appear adequate. The proposal should conform to the requirements of part B5 of Approved Document B.

Metropolitan Police Crime Prevention Design Advisor

7.66 No objections to the overall redevelopment of the site or the proposal for the site, however we would request that the project is conditioned to achieve at least a Silver Secured by Design Award, further involvement with the crime prevention design advisor may see the project receive the Gold Award.

National Grid

7.67 Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

Thames Water

Waste

7.68 With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

7.69 Thames Water would advise that with regard to Foul Water sewage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided

Water

- 7.70 On the basis of information provided, Thames Water would advise that with regard to water network infrastructure capacity, we would not have any objection to the above planning application.

Tower Hamlets Conservation And Design Advisory Panel (seen at pre-application stage in February 2016)

- 7.71 The Panel noted that the London Chest Hospital and the wider site is a key focus within the Victoria Park Conservation Area and that the hospital itself is a landmark building. It was noted that the site has been in public use throughout its history and the Panel were keen to see the permeability through the site maintained.
- 7.72 At time of seeing the proposals, the panel considered that there was insufficient information to justify the loss of the south wing.
- 7.73 The Panel queried the rationale for the loss of the nurses accommodation. These buildings date from 1905 and contribute to the overall character of the site, forming part of the broader interest and development of the hospital over time.
- 7.74 Proposals for the landscaping will be key to the overall success of the scheme and to ensure that the existing character is not compromised. In particular the balance between the public and private character and the use of the main frontage space must be considered in formulating the overall strategy for the site.
- 7.75 The location of play space, the possible use of parterres, and the likely longevity of the trees, if they are to be moved, must also be carefully considered.

Internal Consultees

Biodiversity Officer

- 7.76 The application site includes numerous trees, including mature specimens, mostly along the west and southern edges of the site. Overgrown shrubbery beneath these trees will provide additional nesting habitat for common birds. The loss of trees and associated shrubbery will be a small loss of wildlife habitat. Vegetation clearance should take place outside the bird nesting season, or a survey for nesting birds undertaken immediately before clearance. This should be secured by a condition
- 7.77 Emergence surveys indicate that the existing buildings are not used by roosting bats. The emergence surveys were undertaken in 2015 and 2016 and should be updated, ideally, prior to determination of the application. A small number of foraging bats were recorded. There might be potential adverse impacts on these from increased lighting. Lighting should be designed to avoid any significant increase of illumination, particularly of the treelines along the western and southern edges of the site.
- 7.78 There would seem to be scope for biodiverse roofs on the proposed flat-roofed buildings. Biodiverse green roofs, designed in line with best practice guidance published by Buglife, would contribute to a target in the LBAP for new open mosaic habitats, and would help to ensure net gains for biodiversity.
- 7.79 Details of all biodiversity mitigation and enhancements should be subject of a condition.

Environmental Health (EH)

Contaminated Land:

- 7.80 No objection, subject to the imposition of a relevant planning condition should to identify extent of potential contaminated land and agree a remediation strategy.

Noise and Vibration:

- 7.81 No objection, subject to further details by planning condition:
- Noise from construction and operational plant
 - Noise insulation – to meet BS guideline values for indoor ambient noise level
 - Imposition of compliance condition in respect to vibration
 - Details of sound insulation from D1 to residential premises
 - Details of ambient sound mitigation measures to external amenity spaces

Air Quality Team:

- 7.82 The development will be car free, this is welcomed in regards to air quality and hence there are no significant impacts from the development on the local air quality.
- 7.83 The assessment shows that the NO₂ air quality objective may be exceeded on the southern façade of the nursery. It should be considered to locate the nursery to an area of lower pollution concentrations. If that is not possible then, as recommended in the assessment, ventilation must be installed with the location of the inlet carefully considered to avoid the highest pollution levels, as per paragraph 5.2.2.1.

Energy & Sustainability Officer

- 7.84 The current proposals have sought to implement energy efficiency measures and renewable energy technologies to deliver ab site wide reduction in CO₂ emission of 44.87%.
- 7.85 Subject to conditions securing the delivery of the approved energy strategy and the CO₂ emission reduction shortfall being met through a carbon offsetting contribution, the proposals would be considered in accordance with adopted policies for decentralised energy, integration of renewable energy technologies and emission reductions.
- 7.86 It is recommended that the proposals are secured through appropriate s106 clauses and conditions to deliver:
- Delivery of Energy Strategy and CO₂ savings to at least 44.87%
 - Submission of the as built calculations and post completion varication report to demonstrate the CO₂ savings have been delivered via the technologies proposed in the approved energy and sustainability statement
 - Submission of the Final BREEAM certificate to demonstrate scheme delivered to a BREEAM excellent standard
 - Section 106 agreement for carbon offsetting contribution in accordance with Planning Obligations SPD

Employment & Enterprise

- 7.87 The developer should exercise reasonable endeavours to ensure that 20% of the construction and end phase workforce will be local residents of Tower Hamlets and 20% of goods/services procured during the construction phase should be through businesses in Tower Hamlets. Skills and training and apprenticeship contributions are sought in the scheme's construction phase and end user phase.

Transportation, Highways and Parking Services

- 7.89 The scheme is proposed to be car free with the exception of 9 accessible bays. The car free element is accepted and the applicant is expected to enter into a 'Permit Free' agreement which will restrict all future residents from applying for parking permits on the public highway. This is to form a planning condition to any planning permission which may be granted and secured via a Section 106 agreement.
- 7.90 Local residents have raised issues regarding the development and its potential to increase parking stress on the surrounding streets. The proposed alterations on the street would lead to a loss of on-street residents bays. A financial contribution is sought so as to survey, investigate and if found necessary implement changes to the parking regime in the area so as to potentially increase the scope of the Controlled Parking Zone and the number of residents parking bays.
- 7.91 The possibility of introducing a one way system around the triangle of roads surrounding the site should have been explored further as it may have assisted with parking bays.
- 7.92 The accessible bays must be available to registered blue badge holders from all tenures without exception. Electric charging points to the current London Plan standards must be introduced. The proposed cycle parking meets London Plan standards though the provision of Sheffield stands should be higher
- 7.93 The majority of servicing is planned to take place within the site, with some refuse collections taking place from the street. On street the refuse vehicle should be able to pull up kerbside and not have to wait in the road. This will require additional areas of double yellow line and loading restrictions to prevent parking at these locations outside of the Controlled Parking Zone hours. Dropped kerbs to assist refuse collection should also be installed.
- 7.94 The applicant has carried out a PERS audit of the local pedestrian environment and state in their transport assessment that funding will be available to improve the conditions for pedestrian where this is required. The Highways Infrastructure group will carry out these works funded by the applicant. This should form part of a S106 contribution.
- 7.95 Travel Plans, both for the residential and D1 uses, along with servicing management plans and construction management plans are required by section 106 and conditions respectively.

Waste Management

- 7.97 No objection, subject to waste collection and refuse details being secured by planning condition.

8.0 LOCAL REPRESENTATION

- 8.1 374 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 by way of site notices on streets around the perimeter of the site and advertised in the local press. Following submission of amendments to the scheme neighbours and other consultees were notified of the

amendments in December 2017 and June 2018 in writing as well as by means of further press notices and site notices.

- 8.2 412 individual written representations were received from the public upon the two applications. 386 of these were letters of objection pertaining to the planning application, 3 were letters of support to the planning application and 23 were letters of objection relating to the listed building consent application. Three petitions against the proposal have also been received all objecting upon grounds of harm to heritage assets with 294, 127 and 34 signatures respectively.
- 8.3 There are also 5 online petitions which have been brought to the attention of officer. At the time of writing the report, a petition in relation to the proposed plans for the Mulberry Tree had 9,636 signatures. The remaining three on-line petitions are against the development more generally and, at the time of writing the report, have 854, 760, 382 and 226 signatures respectively.
- 8.3 The 3 representations in favour of the scheme are summarised as follows:-
- 1) Scheme includes much needed improvements to the public realm
 - 2) Scheme addresses previous heritage concerns
 - 3) Independent retailers should be encouraged within the new retail units.
- 8.4 The representations against the scheme raise concerns that can be summarised as follows:
- 1) The building should be put to a community use
 - 2) The applicant failed to engage meaningfully with the local community and the scheme should be rethought
 - 3) Proposals would cause significant loss of daylight/sunlight to neighbouring properties
 - 4) Proposed buildings are significantly taller than those surrounding and would be harmful to views of the area and be harmful to the character and appearance of the conservation area. The height would provide an unwelcome precedent for other taller buildings in the conservation area
 - 5) The scheme would have particularly detrimental effects on St James's Avenue with all the massing and servicing focused there.
 - 6) The proposals would cause harm to the setting of the St James-the-less Church and Vicarage and the scheme would diminish these listed buildings group value in relation to the Hospital buildings.
 - 7) The 8 storey tower would be overly dominant in views and would overshadow the entrance to the park.
 - 8) The applicant's undertaking to retain the ventilation tower is unsatisfactory as it subject to a further structural survey. The structural surveys state that the main hospital roof is in sound condition, it should therefore be retained. The claimed level of WWII bomb and fire damage to the hospital building during WWII is exaggerated.
 - 9) The location of the new dormer windows and chimneys is poorly conceived and would harm the appearance and significance of the roof.
 - 10) The significant changes to the roof, and impacts on the structural integrity of the building below, for the purposes of 10 flats within the roofspace appear unwarranted. The submitted fabric assessment is incomplete, misleading and lacking thorough investigation. Much of the existing roof fabric could be reused whilst still providing residential accommodation in the roof space. There are contradictions in the application materials about proposed retention of fabric at third floor level. The roof and tower are key elements of the listed building with more than sufficient significance to be retained. Loss

- of the roof would cause substantial harm to the significance of the listed building.
- 11) The ventilation system is of significance both historically and architecturally and should not be lost.
 - 12) The location of the new chimneys is poorly conceived and would harm the appearance and significance of the roof
 - 13) Claims that harm to the listed building has been minimised in line with best practice are not evidenced.
 - 14) The design of the new blocks poor and would not safeguard the setting of the listed building or preserve or enhance the character or appearance of the conservation area including severing important view of the main building from the listed Bonner Hall Gate and registered Victoria Park.
 - 15) It has not been demonstrated that the harm to designated heritage assets including the unnecessary demolition of the existing roof is necessary to achieve substantial public benefits that outweigh the substantial harm. The loss of the south wing would harm the significance of the listed building.
 - 16) The supporting documents are inaccurate, particularly the proposed views of the site.
 - 17) The public benefits of the proposals would not outweigh the harm to heritage assets.
 - 18) The size and proximity of the proposed buildings to the hospital building would harm the setting of the building, the design should be revised to create smaller residential blocks.
 - 19) The density of development is much higher than that in the surrounding area.
 - 20) The scheme would lead to gentrification of the area.
 - 21) The scheme should provide more open space and buildings should not be higher than the hospital building.
 - 22) The scheme would place greater pressure on existing residents parking and add to vehicular traffic issues on the local road network. Restrictions on obtaining parking permits are not effective.
 - 23) Hours of controlled parking zone on surrounding streets should be revised.
 - 24) Scheme places pressure on social infrastructure in the area.
 - 25) The proposed buildings are poorly designed.
 - 26) The affordable housing offer falls well short of the 35% target.
 - 27) Concerns about noise and dust from construction.
 - 28) Trees on site with Tree Preservation Orders should be protected, their loss would harm the character of the area. The Mulberry Tree is an important community asset, a cultural icon and should be safeguarded and is protected as a veteran tree under the provisions of the NPPF.
 - 29) The Mulberry Tree would not survive its proposed relocation. The scheme should be redesigned to retain the Mulberry Tree in its current location and continue to serve as a memorial to the six who died from the bombing of the site. Additional parkland setting should be provided for the Mulberry Tree.

9.0 ASSESSMENT OF APPLICATION

EIA development

- 9.1. The planning application represents EIA development under The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) (from this point referred to as the '2011 EIA Regulations'). The

application was submitted in November 2016 accompanied by an Environmental Statement (ES) produced by Savills.

- 9.2 It is noted that since the application was submitted, new EIA Regulations have been published on 16th May 2017 - The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (from this point referred to as the '2017 EIA Regulations'). Regulation 76 of the 2017 EIA Regulations sets out the transitional provisions for the regulations. Regulation 76(1) specifically states 2011 EIA Regulations continue to apply where an ES has been submitted prior to the 2017 EIA Regulations coming into force. This application therefore continues to be processed under 2011 EIA Regulations.
- 9.4 The ES assesses the environmental effects of the development under the following topics:
- Built Heritage;
 - Townscape and Visual Impact Assessment; and
 - Cumulative Effects.
- 9.5 In addition, the Applicant submitted 'further information' under Regulation 22 of the 2011 EIA Regulations in the form of an updated ES, which was processed as required under the regulations.
- 9.6 Regulation 3 prohibits the Council from granting planning permission without consideration of the environmental information. The environmental information comprises the ES, including any further information submitted following request(s) under Regulation 22 and any other information, any representations made by consultation bodies or by any other person about the environmental effects of the development.
- 9.7 The Council's EIA consultants were commissioned to undertake an independent review of the ES, to confirm whether it satisfied the requirements of the EIA Regulations. The ES has also been reviewed by the Council's EIA Officer. The EIA consultants and EIA Officer have confirmed that, in their professional opinion, the ES is compliant with the requirements of the EIA Regulations.
- 9.8 The built heritage chapter of the ES stated there would be neutral to moderate beneficial residual effects during operation of the Proposed Development on a number of heritage receptors, including but not limited to the London Chest Hospital and Victoria Park Conservation Area. It is the professional judgement of LBTH officers, and the Council's EIA consultants that these positive effects have been overstated. However, this does not affect the compliance of the ES in accordance with the 2011 EIA Regulations.
- 9.9 The Council, as the relevant planning authority, has taken the 'environmental information' into consideration when determining the planning application. Mitigation measures will be secured through planning conditions and/or planning obligations where necessary.

Main Individual Planning Issues of Scheme

- 9.10 The planning issues, raised by the two applications that the Strategic Development Committee must consider are set out below (with in brackets the chapter number of this report that deals with the consideration).

- Principle of Land Uses (10)
- Urban Design (11)
- Heritage (12)
- Housing and Density (13)
- Neighbours Amenity (14)
- Trees (15)
- Highways & Transportation (16)
- Public Benefits - Applying the Planning Balance (17)

Other Considerations including

- Noise and Vibration (18)
- Air Quality (19)
- Land Contamination (20)
- Flood Risk & Water Resources (21)
- Energy and Sustainability (22)
- Ecology and Biodiversity (23)
- Waste and Recycling (24)
- Planning Obligations, Socio Economic effects and impact upon local infrastructure/facilities (25)
- Other Local Financial Considerations (26)
- Human Rights (27)
- Equalities (28)

10.0 Principle of Development

Land use

- 10.1 As detailed above, the site was previously operated by the Barth Health Trust NHS prior to the closure of the Hospital in April 2015. The healthcare services previously provided at the site were relocated to both the Royal London Hospital and the Barts Health Centre at St Bartholomew's Hospital.
- 10.2 Given the previous use of the site, policy SP03 of Core Strategy and policy DM8 of the Managing Development Document are of relevance. Policy SP03 seeks to provide high quality, accessible health services to meet the needs of the existing and future population, while policy DM8 seeks to protect health facilities where they meet an identified need and the buildings are suitable and, additionally, will only consider the loss of health facilities where it can be demonstrated that there is no longer a need for the facility within the local community and the building is no longer suitable or the facility is being adequately being provided elsewhere within the borough.
- 10.3 Both the Tower Hamlets Primary Care Trust and the Tower Hamlets Clinical Commissioning Group have advised that further health uses are not required at the site. The latter confirming that the healthcare need for this part of the borough will be provided by new primary care facilities at the nearby Suttons Wharf development to the south east of the site. The Suttons Wharf development would also have the capacity to accommodate growth in the area and as such that there is no anticipated need for the subject site to provide further healthcare facilities.
- 10.4 The proposed loss of the healthcare facility on site is considered to accord with the provisions of policy DM8 of the Managing Development Document.

- 10.5 London Plan Policy 3.16 is also of relevance to the proposals and seeks to protect and enhance social infrastructure provision, including health facilities and resists proposals which would result in the loss of social infrastructure in areas of defined need for that type of facility. Alternative social infrastructure could include schools, healthcare facilities, colleges and universities, places of worship, sports and leisure facilities, fire stations or other community facilities. There is no identified need for secondary or primary schools in this part of the borough that are not already addressed by existing or proposed site allocations within the adopted and emerging Local Plan. Furthermore, the Bethnal Green Fire Station is 0.5 miles from the site and the presence of Victoria Park just to the north of the site is considered to adequately cater for sports and leisure facilities.
- 10.6 Notwithstanding the proposed loss of the healthcare use, the application proposes 428sqm of flexible D1 use. This proposed social infrastructure is currently envisaged to be a nursery/crèche although an operator has yet to be confirmed. Were a future healthcare need arise in the vicinity of the site, the proposed flexible D1 use would allow the site to be used for this purpose.

Residential use

- 10.7 London Plan Policies 3.3 (Increasing housing supply) and 3.4 (Optimising housing potential) seek to maximise the provision of additional housing across London. The Borough's annual housing target, as set out in the London Plan 2016, is 3,931 units whilst Policy SP02 of the Core Strategy states that that the Borough will seek to provide 43,275 new homes between 2010 to 2025.
- 10.8 The site falls within Globe Town area of the borough, as defined within the Core Strategy, an area where additional housing, particularly family housing is encouraged.
- 10.9 The provision of 291 residential units would assist the borough in meeting its housing targets and would contribute towards meeting both the Borough's and London's strategic housing need.

11.0 Urban Design

Policy Context for Urban Design

NPPF

- 11.01 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites whilst responding to local character. Matters of architecture, layout, and materials are legitimate concerns for local planning authorities (NPPF - paragraph 127).
- 11.02 Chapter 12 of the NPPF explains that the Government attaches great importance to the design of the built environment. It advises that it is important to plan for high quality and inclusive design and encourages engagement at all stages of the process.
- 11.03 Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

- 11.04 The National Planning Practice Guidance (NPPG) supplements the NPPF and sets out a list of criteria of “*What a well designed place is?*” The guidance states:-

“Well designed places are successful and valued. They exhibit qualities that benefit users and the wider area. Well-designed new or changing places should:

- *be functional;*
- *support mixed uses and tenures;*
- *include successful public spaces;*
- *be adaptable and resilient;*
- *have a distinctive character;*
- *be attractive; and*
- *encourage ease of movement”*

The London Plan

- 11.05 The London Plan addresses the principles of good design and preserving or enhancing heritage assets. Policy 7.4 ‘Local Character’ requires development to have regard to the pattern and grain of existing streets and spaces, make a positive contribution to the character of a place and be informed by the surrounding historic environment. Policy 7.5 ‘Public realm’ emphasises the provision of high quality public realm. Policy 7.6 ‘Architecture’ seeks the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and for development to optimise the potential of the site. Policy 7.8 requires new development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

Local Plan

- 11.06 The Borough Core Strategy Policy SP10 and Policy 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.

Site Layout

- 11.07 The design of the scheme at its most succinct consists of three entirely new buildings set to the side and rear of the main listed hospital building. The middle of these three buildings (all three building would have extended elevations facing onto St James’s Avenue) would connect onto a rebuilt and remodelled rear elevation of the main listed hospital building.
- 11.08 The entire exterior roof of the main hospital building would be rebuilt with the exception of the central tower that that the applicants intends to retain.
- 11.09 The scheme would involve the demolition of all other buildings on the site, including the nurses’ accommodation block running parallel to the St James’s Avenue to the rear of the Hospital Building, and all other piecemeal additions to the site. The nurses’ accommodation block is comprised of elements rebuilt after 1945 and other externally architecturally finer sections that date back to the original completion of the accommodation in 1905.

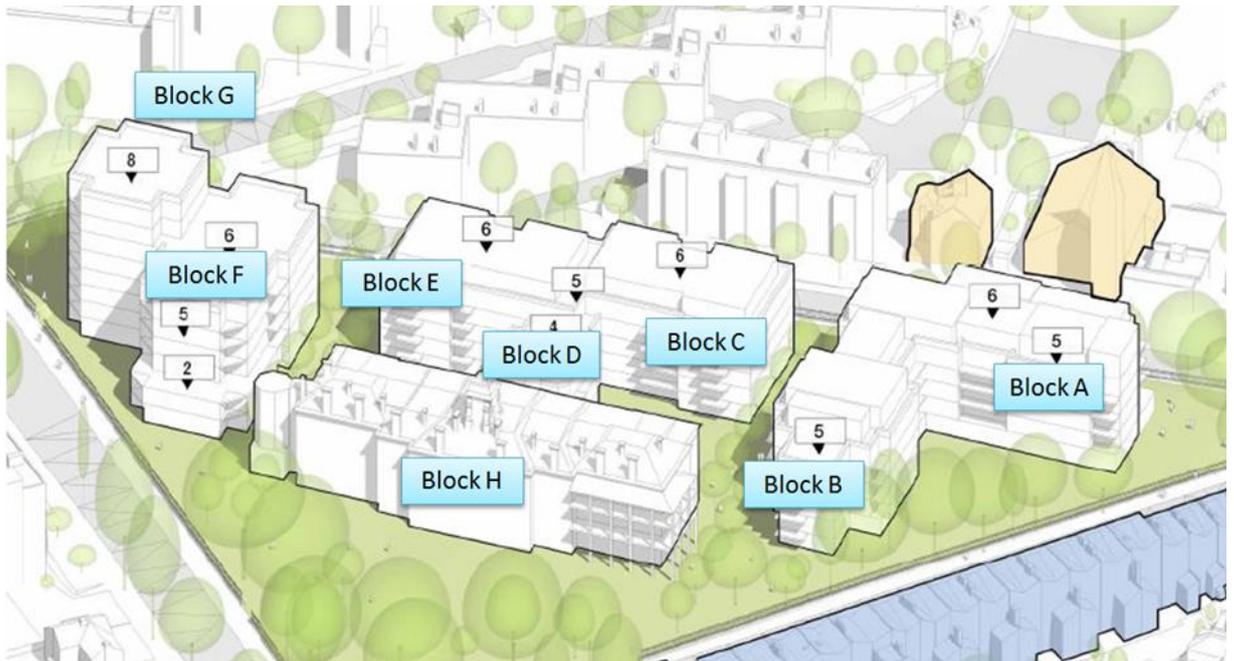


Figure 4: The massing of the scheme showing building heights. The proposed 3 new buildings are internally subdivided into 7 sub-blocks (A-G) reflecting the stair and lift cores to the 3 new buildings.

Hospital Building

- 11.11 The scheme would involve the removal and demolition of the post war rebuilt north wing and, more notably, the removal and demolition of the south wing extension constructed shortly after the main hospital between 1863 and 1865. In their place a full height, full width rear extension would be attached to the rear of the main to allow for new residential accommodation set to the rear of the existing building's main corridor.
- 11.12 This rear extension would introduce new elevations to the side and rear of each truncated/removed wing. These would be designed to form what the applicant describes as 'memories' of both the north wing, that was lost as a result of bombing, and the existing south wing and deploys an architectural language that takes its design references from the original hospital building.
- 11.13 The remainder of the rear elevation i.e. that situated in between each of the wing 'memories' along the rear of the building, would feature a more contemporary façade treatment that would allow for inset external balconies and employ contrasting window designs and framing materials from those proposed for the wings and front elevation.
- 11.14 The extension to the rear would also involve the removal and replacement of the existing roof, including the chimneys and dormers, with a significantly larger roof with a deeper overall profile. It is the intention that the existing central tower be retained and repaired, subject to further investigation of the structural condition of the central tower. Officers have been provided with no evidence to indicate that retention of the tower is not feasible.
- 11.15 To the front of the site, the verandas, originally open to the air, would be restored and utilised as outdoor amenity areas for the adjoining residential units, with the existing non-original windows replaced with traditional timber framed units. Whilst

the roofscape would be significantly altered as set out above, the pitch of the existing front roof slopes would be replicated in the new roof.

- 11.16 Whilst the proposals for main west facing hospital building are broadly acceptable in urban design terms, the many and various heritage implications of these proposed alterations are addressed in detail in Section 12 of this report.

New buildings

Layout and massing

- 11.17 Three new residential buildings would be constructed to the north east, east and south east of the retained hospital building. Each of the new buildings would utilise the axis of the hospital building to inform their footprints, with blocks running parallel and/or perpendicular to the main range of the hospital building.
- 11.18 The most southern of these buildings, incorporating Blocks A and B, would comprise of an L-shaped form with one wing running perpendicular to, and just to the south of, the main wing of the hospital building, and a second element fronting St James’s Avenue at a slightly obtuse angle to the street.
- 11.19 The majority of the L-shaped form would rise to five storeys with a set-back sixth storey element set above. However, at the southernmost end of the building the full six storeys would be expressed. Conversely, on the western wing of the building, at the point closest to the retained hospital building, the overall height would be limited to five storeys. The building would have an irregular shaped façade, set in from the perimeter of the site. The L-shaped form would allow for a triangular pocket of open space bound between the new block and the Bonner Road site perimeter. This open space would provide the 0-5 child play space for the scheme as a whole and would lie in front the ground floor D1 accommodation.

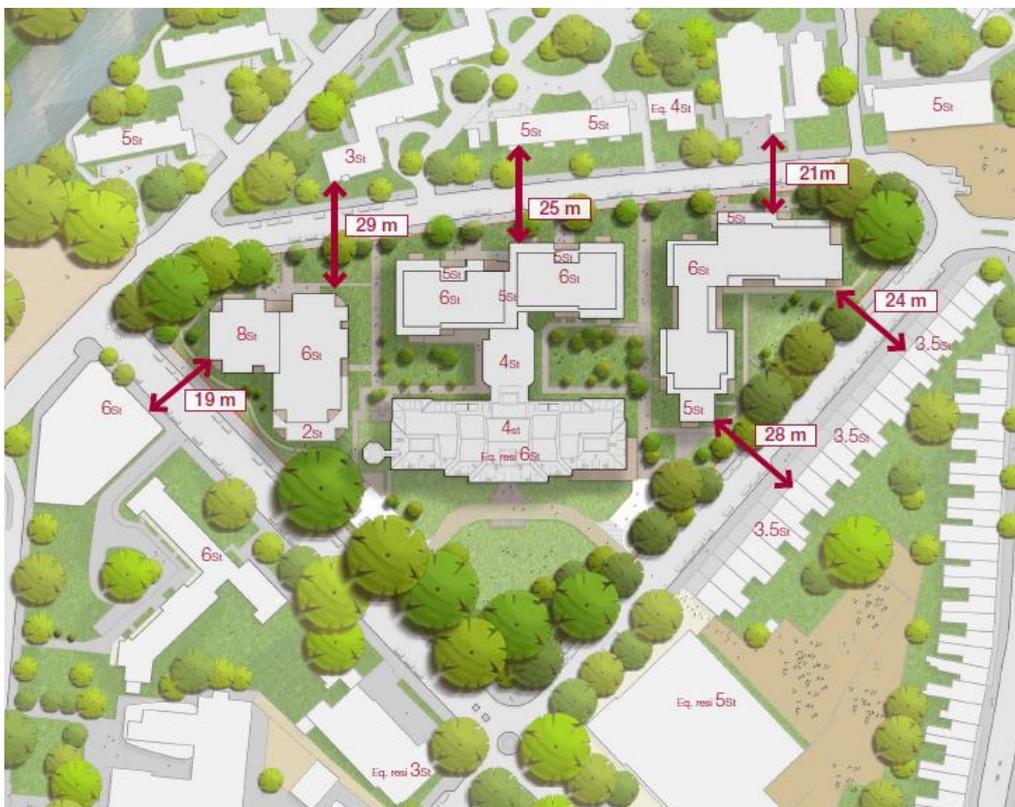


Figure 5: Proposed Building Heights (no. of storeys) and proximity to neighbouring sites

- 11.20 The proposed new Central Building, featuring Blocks C, D and E, would be sited to the rear of the main hospital building and would extend to a similar length as this historic building, as measured on north-south axis. The building would also feature a connector building, positioned centrally to the rear of the hospital building and adjoining the proposed new rear extension to this building. As with the southern building, the central building would have a long frontage along St James's Avenue.
- 11.21 Similarly to the Southern Building the majority of the Central Building would be five storeys in height with a set-back sixth storey. The connector section of this building would terminate at four storeys and would be topped with a roof terrace. The voids between the hospital building, the Central Building the connector block would form two separate courtyard spaces which would be used as play space for children above 5 years of age.
- 11.22 The proposed Northern Building would also be of an L-shaped footprint, although more truncated in form than the Southern Building, and would cover a smaller footprint than the Southern Building owing to the tighter site constraints at the northern corner of the site. The western most part of the building, that which comes closest to the main hospital building, would initially rise to two storeys, before stepping away from the hospital building and rising up to six storeys. The northernmost projection of this Northern Building - Block G - located at the apex of St James's Avenue and Approach Road, would rise to eight storeys constituting the highest built element on the site (with the exception of the central tower feature).

Architecture

- 11.23 Each of the buildings would have a masonry form, finished in brickwork with cast stone detailing. The treatment and detailing would however vary across each of the buildings. The Southern Building would take red brick as its principal material and would feature a strong vertical bay emphasis highlighted by the use of recessed brickwork. Metal railings would enclose both set-back and projecting balconies. The irregular steps to the façade of the buildings, which were introduced to the design during the course of the application, and seek to increase the sense of space along the St James Avenue and add some visual interest and variation to the facades.



Figure 6: Elevational treatments of the Southern Building

- 11.24 The metal clad roof storey would sit back from the masonry parapet on all sides of the building save for the southernmost tip of the building where the masonry approach is fully expressed. This six storey masonry façade was introduced as a design amendment to the scheme to provide a more legible conclusion to the building at the junction of Bonner Road and St James’s Avenue.
- 11.25 The Central Building would be finished with a polychromatic grey taking the brick tone found on St James the Less Church opposite as reference. Whilst still masonry led in approach, the greater use of glazing, particularly at the corners of the building, seeks to add lightness to the form and provide a greater sense of openness to east-west views across the site. Again, the staggered form to the facades, along with the set-back roof storey, attempts to reduce the scale of the structure, particularly along its St James Avenue frontage.



Figure 7: Elevational treatments of the central building

- 11.26 Like the Southern Building, red brickwork, with a series of courses and decorative patchworks, would also be employed on the northern building. The building would feature inset balconies and inverted corners in a bid to make the block visually read as more slender and elegant in form. As discussed above, the set back away from the hospital building above first floor level openness to the main building/ sanitation tower, and increase views across the site of the sanitation tower and hospital building. As with the Southern Building, whilst slightly lighter in tone, the red brickwork has the potential to compete with, and blur the distinction between, the main building and the new build elements. Consequently, the submission of samples of all external materials would be required by condition.



Figure 8: Elevational treatments of the Southern and Central Buildings with the hospital and sanitation tower to the rear

Townscape

- 11.27 As set out with the Victoria Park Conservation Area Character Appraisal, the scale and density of development varies across the area, however, it does note that, *‘The prevailing building height is 3-4 storeys for Victorian Terraced Housing.’*
- 11.28 Additionally, the Character Appraisal notes that, *‘Roads in the area are broad and tree-lined, or fringed with the landscaped front gardens, all reflecting and contributing to the park setting’.*
- 11.29 A balance between the natural and built environment remains a key character of the area with the Character Appraisal specifically noting that, *‘Landmark institutional buildings generally sit within their own landscaped grounds, in keeping with the open character and setting of Victoria Park. The London Chest Hospital, opened in 1855, is the most significant of these buildings, in terms of its presence in the urban environment.’*
- 11.30 The proposed massing and height of the new build elements would therefore result in varying degrees of divergence with the built heritage of the site and surrounds.
- 11.31 All three of the new build elements would terminate higher than the hospital building (when the central tower element is excluded) and whilst attempts to reference hospital heights in parapet levels have been made, along with the truncation of massing elements in the closest proximity, the 6 to 8 storey height of the proposed new build elements would to some degree diminish the prominence of the hospital building within its urban environment. This is evidenced in the

Verified View 7 within the Townscape and Visual Impact Assessment (TVIA) along with the proposed site sections.



Figure 9: TVIA Verified View 7 (Proposed view Winter)

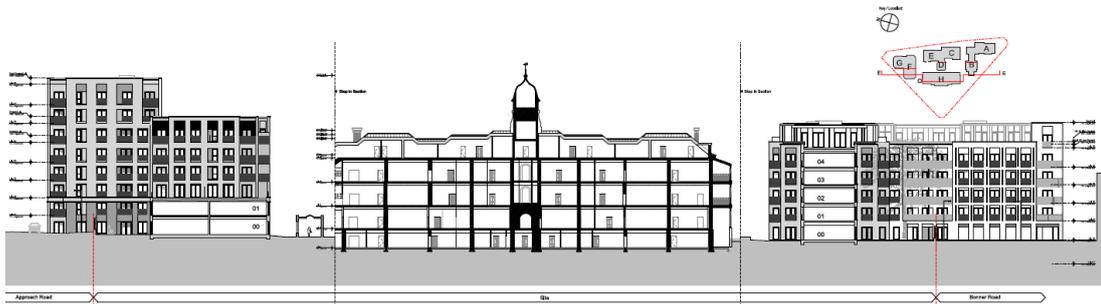


Figure 10: Proposed Site Section EE

- 11.32 The increase in scale across the site would be particularly apparent along St James's Avenue where at present the closest building to this boundary is the three storey nurses accommodation which is set back from the site boundary and sits below the canopy line. All three of the proposed new buildings would have significant frontages along this street varying in height from 6 storeys to 8 storeys and, whilst the proposed buildings would help to activate this street frontage, they would significantly alter the character of the streetscene.
- 11.33 Adjacent to the site, on the opposite side of St James's Avenue sits the Parkview Estate which, as the Conservation Area Character Appraisal outlines, sits in its own park-like grounds and is sensitive to the Conservation Area. Building heights on this eastern side of St James' Avenue vary from 3 to 5 storeys in height, although difference in floor heights and relief complicate the direct comparison between these heights and those proposed on the application site.
- 11.34 During the course of the application, the applicant has sought to address concerns about the dominance of the building frontage along St James's Avenue through amendments to the design of the new build elements. This has included; increasing the separation distance between each of the new blocks, previously of

the order of 5-6 metres and now at a minimum of 12 metres; increasing the gaps to the perimeter of the site and introducing staggered frontage to the southern and central blocks, most notably at the northern end of Southern Building (containing Block A).

- 11.35 These changes to the scheme have been successful in reducing the perception of scale along this frontage, and would provide greater opportunities for valuable views through the site and glimpses of the main hospital building. However, the proposals still mark a significant change to the existing streetscene along St James' Avenue and represent a degree of departure from the general character of the Conservation Area. This change in character is illustrated by existing and proposed Verified View 3 in the TVIA.



Figure 11: Verified view 3 – Existing view north along St James' Avenue (winter)



Figure 12: Verified view 3 – Proposed view north along St James' Avenue (winter)

- 11.36 The scheme would introduce a Northern Building that at its highest would rise to 8 storeys (containing Block G ; this height is of townscape note. This building would sit towards the apex of Approach Road and St James’s Avenue and would provide a visual marker to the site, particularly when approaching the site from Victoria Park over Bonner Bridge. Adjacent to the proposed 8 storey element would be the recently completed 6 storey Sotherby Lodge. In contrast to Sotherby Lodge, which extrudes from the edge of the footway, the 8 storey Block G would be set back from the site perimeter which assists in reducing the intensity of its visual impact.
- 11.37 In townscape terms, this area of the site is considered potentially most appropriate for additional height. However, the relatively squat form of Block G does mean that this 8 storey element would be somewhat imposing on some views within the conservation area. The change to the streetscene arising in the winter months is illustrated in Verified View 1 below.



Figure 13: Verified View 1 – Existing view south west along Approach Road (winter)



Figure 14: Verified View 1 – Proposed view south west along Approach Road (winter)

Landscaping

- 11.38 As noted above, the parkland setting of the Chest Hospital is a defining characteristic of the site and wider conservation area. To a degree this landscaped setting has been eroded since the original construction of the hospital through the addition of ancillary buildings constructed to support the functioning of the original hospital building, although the degree of compromise on the verdant character of the site is limited in scope by the low height of these ad hoc buildings which allows the tree canopy on site to remain visually prominent. Along with the prevalence of mature trees across the site, other significant remnants of the parkland setting include the large triangular front lawn and the lack of dominant buildings set close to the edges of the site.
- 11.39 The proposals would see the retention of the front lawn and its opening up for public use between the hours of daylight, 365 days a year. The proposals would also see the retention and repair where necessary of the listed iron railings. The siting of the new residential blocks would necessitate the removal of a number of trees (discussed in detail in Section 15). However, owing to the set-back of the proposed blocks from site boundary, the landscaping proposals would still allow for a green boundary achieved through retention of existing trees, insertion of new replacement trees and new ornamental, other planting and hedgerow, along all edges of the site.



Figure 15: Indicative landscaping proposals

- 11.40 Pedestrian walkways would intersperse the site and would be treated with a variety of stone pavers and textured concrete slabs and setts. Additionally, a variety of timber benches and informal seating areas would be provided across the site. As noted above, the form of the buildings would allow for various open spaces which would constitute communal courtyards and play space respectively.

- 11.41 All ground floor units within the new blocks would benefit from their own defensible external space bound by hedgerows and treated with concrete paving. Overall the proposals would result in an uplift in green open space across the site. Subject to further details of: (a) materials/treatments, (b) an adequate and appropriately detailed replanting strategy (discussed in detail in Section 15) and (c) details of a careful implementation & maintenance programme, the proposal could result in high-grade landscaped environment for the residential units.

Access

- 11.42 Vehicular access to the site would be via the Bonner Road entrance with 9 accessible parking bays located either side of the front yard. The Bonner Road entrance gates, along with those opposite on Approach Road would remain open for members of the public during hours of daylight.
- 11.43 Pedestrian access for residents would be principally via gates along St James's Avenue with step free access to all residential buildings. Whilst the front lawn would be accessible to members of the public during daylight hours, entrance gates and railings would be erected either side of the hospital building. These gates would prevent public access to the eastern residential courtyard spaces of the scheme, operating in tandem with gates along the resident only site entries along St James's Avenue. This gated approach is designed to ensure a reasonable degree of security for residents, including to the dedicated children play spaces located in this section of the site. It is noted that during the site's operation as a hospital much of the site was inaccessible to members of the public and as such the proposals would not adversely affect upon pedestrian permeability to the surrounding streets. The applicant's access strategy is supported in the review of the scheme undertaken by the Metropolitan Police Secure by Design Officer.

Concluding comments on Urban Design

- 11.44 Whilst it is not possible on a site of this nature to divorce urban design approaches to massing and architectural treatment from its resultant implications upon heritage assets, both on-site and beyond, officers do acknowledge the design of the scheme has benefited from significant revisions since submission, following receipt of two sets of amended plans involving physical alterations in the design of the both the interior residential layouts and the exterior of the buildings.
- 11.45 These amendments have included: the removal of the proposed additional storey in the roof of the main hospital building; the introduction of "memories" of the two original wings to the rear elevation; restoration of the existing roof profile to the front of the main range; increased separation distances between the three proposed new buildings to provide greater opportunity for views through the site from the street; less visual coalescence of the retained historic build elements from the entirely new buildings; as well as greater modelling and staggering of the three buildings facing onto St James's Avenue that diminishes the degree to which the scheme appears unduly imposing upon this street.
- 11.46 The submitted revisions have also brought a greater degree of architectural finesse to the new building, in terms of the individual detailing to each of the facades to the proposed new buildings, as well as more satisfactory architectural resolution to the top of the buildings, through amendments to the top roof storey to the buildings.
- 11.47 In addition to the revisions to the exterior of the scheme, since original submission, the scheme has also undergone transformational change in the quality of the

residential amenity for future residential occupants of the development (see Section 13 of the report) including: the removal of an excess preponderance of single aspect units; exclusion from the scheme of any single aspect north facing units; a reduction in the number of residential units per residential core (to meet compliance with Mayor of London's Housing SPG defined standard on this matter); a marked reduction in the number of units that will experience significant failures of daylight to the main habitable room spaces, the removal altogether from the proposed scheme of a sunken garden residential storey which presented a whole series of unsatisfactory amenity issues and introduced unnecessary issues with regard to the scheme adhering to good practice in respect of the principles of inclusive design.

- 11.48 The scheme is commendable in that the quality of the external treatment of the facades is indistinguishable between the affordable housing accommodation and the market units, meaning the scheme is tenure blind. The scheme also benefits from playspace being at grade and accessible to residents of all the blocks.
- 11.49 It is also worth highlighting the proposed south building that provides the affordable housing homes has fewer natural daylight failures against the BRE target guidelines than the market units in the two other proposed new buildings.
- 11.50 Whilst the final design of the scheme consulted upon continues to pose challenges in respect of heritage and responding appropriately to the built character of the neighbourhood (as set out in the following Section 12 of this Report), officers are of the opinion that the scheme is, on-balance, consistent with planning policy objectives and acceptable with respect of the urban design considerations.

12.0 Heritage

- 12.1 The Council has a statutory duty to consider a proposals impact on listed buildings, including their settings and conservation areas. This is contained in Sections 66(1) and 72(1) (respectively) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), which is reflected in central, regional and local policy and guidance.
- 12.2 Chapter 16 of the NPPF relates to the implications of development for the historic environment and provides assessment principles. It also identifies the way in which any impacts should be considered, and how they should be balanced against the public benefits of a scheme.
- 12.4 Paragraph 192 of the NPPF states that in determining planning applications local planning authorities need to take into account:
- the 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 the heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 12.5 Paragraphs 193-196 of the NPPF require local authorities when assessing the effects of development on a heritage asset, to give weight to an asset's

conservation in proportion to its significance. Heritage assets include, but are not limited to, designated heritage assets such as listed buildings, World Heritage Sites, Scheduled Monuments and conservation areas.

- 12.6 Paragraph 193 states “*when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*”
- 12.7 Paragraph 194 states that “*any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*
- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
 - b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*”
- 12.8 Paragraph 195 states “*where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss*”.
- 12.9 Paragraph 196 states “*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use*”. If a balancing exercise is necessary, considerable weight and importance should be applied to the statutory duty under sections 61 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) where it arises.
- 12.10 Paragraph 200 states “*local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance.*”
- 12.10 Policies 7.3, 7.4, 7.8 and 7.9 of the London Plan and policies SP10 and SP12 of the Core Strategy and policies DM24, DM26 and DM27 of the Borough’s Managing Development Document seek to protect the character, appearance and setting of heritage assets.
- 12.11 London Plan policies 7.11 and 7.12 and policies SP10 and DM26 of the Borough Local Plan seek to ensure large scale buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.
- 12.12 The application is accompanied by Environmental Statement with technical chapters dealing with heritage including a visual impact study containing verified views that assess the likely effects of the proposed development on the townscape and local heritage assets.

Hospital Building

- 12.13 Constructed between 1851-1855, the hospital was founded in response to public concern at the inadequacy of provision for treating consumption or tuberculosis, a common disease in mid Victorian London. It was hoped that the new hospital would be "*as far as possible a model of its kind*" and following an architectural competition, F.W. Ordish was selected as architect for the new hospital.
- 12.14 Built in a late seventeenth century style, the design of the hospital reflects the strong tradition of hospital architecture of this period, by such architects as Robert Hooke and Sir Christopher Wren, albeit on a more domestic scale. The result is a building which also has the air of Sir Roger Pratt's influential domestic architecture of the same period, and presents itself almost as a country house, an architectural vision which is emphasised by the parkland setting. Rather than being strictly Queen Anne historicist, as it might first appear, some of the architectural details show it to be more of a post 1860s eclectic style, thus contributing to the overall interest and significance of the building.



Figure 16: Image of the Hospital building from the early 20th century

- 12.15 Constructed in red brick with Portland stone dressings, the hospital is three storeys in height above a lower ground floor. Of 17 bays in width, it is symmetrically arranged around a central section of 5 projecting bays, with a further 2 bays to each side of this stepping back from the central section but projecting forward of the remainder of the elevation. It has a modillion cornice at eaves level and quoins that define the projecting sections. The building has a shallow hipped roof of slate, with substantial, originally decorated chimneys, it is topped by a central tower/cupola which as well as providing architectural interest served to provide natural ventilation to the building, allowing the heating and control of temperature considered necessary to the successful functioning of a hospital at this time.

- 12.16 Within a few years of the hospitals completion, two wings were added, one to either end. Today only the south wing survives, the northern one having been lost to bomb damage. Some of the apparent symmetry of the whole is lost as a result of this damage, and with the addition of the verandas to the southern end in 1900. The verandas are an important reflection of the evolving treatment of tuberculosis, which by the turn of the century determined that fresh air was necessary for patient recovery.
- 12.17 The vision of the hospital as a country house is created not only by the dignified architectural treatment of the building itself, but also by the parkland setting in which it is set, that reinforces its overall prestige and status and complements neighbouring Victoria Park. The hospital in accordance with the contemporary medical understanding of the time, was deliberately built in a suburban location, where there would be plenty of fresh air, set within spacious grounds and adjoining Victoria Park recently created and opened in 1845.
- 12.18 The London Chest Hospital was Grade II listed in April 2016. The listing expressly refers to the main original range of the former London Chest Hospital, the South Wing of 1863-5 and Sanitary Tower of 1890-2, together with the Victorian gas lamp, dwarf wall, railings and entrance gates. The 12 page listing description expressly identifies and is intended to protect as significant the main building, including the south wing and the sanitation tower, together with the railings which enclose the site and a gas lamp at the southern corner. The description is clear that the other buildings on the site are later in date and do not form part of the listing including the 1905 Nurses accommodation set adjacent to St James's Avenue.
- 12.19 The extent of the listing is clarified in the listing itself, which state:

“To the north of the south wing, the extensions dating from the 1920s/1930s, with a later addition reaching into the angle with the main range, are not of special interest. The corresponding north wing is a replacement of 1983 and is not of special interest. There is an octagonal sanitary wing of 1890-2 at the north end of the building, with a bridging link. The contemporary mortuary is attached immediately to the east. On the eastern, rear side of the building, is a large, multi-phase C20 addition, extending from the centre of the building. Between this central extension and the south range, against the eastern face of the main range, is a later-C20 lift tower. Between the central extension and the north range is a C21 stair tower. Attached to the south-east end of the south wing is the octagonal tower of the 1972 outpatients' building, with a large single-storey block extending southwards. None of these C20 and C21 additions is of special interest and they are excluded from the listing.”

- Interest derived the contemporary ironwork (veranda, railings and gas lamp).

12.22 Historic England’s published Conservation Principles provide additional guidance in how to assess significance and suggests that places significance can be considered using 4 headings evidential, aesthetic, historic, and communal. The hospital’s significance can also be seen to sit comfortably within these categories.

The proposals to the Hospital Building

12.23 The main alterations to the main range of the hospital itself are for its conversion to residential and involve the removal of all extensions to the rear of the main building, including the demolition of the original south wing, to be replaced with a full height, full width extension, introducing new elevations to the side and rear which are intended to be a “memory” of both the north wing, lost as a result of bombing and the south wing, which is to be removed as part of the current proposals.

12.24 In addition to the conversion works on the main floors and the extension to the rear, the works will also involve the demolition of the historic roof to be replaced with a new roof. The scheme would remove and rebuild the existing chimneys and dormers. However, not all those rebuilt would be relocated in their existing location within the roof slope. The proposed scheme would significantly increase the size of the roof, primarily through its depth (along an east west building section) in order to enable it to embrace the proposed new extension to the rear, set behind the existing main north-south running hospital corridor. It is the applicant’s stated intention that the existing central tower be retained and repaired, although this would be subject to further investigative works of the tower and its supporting structure.

12.25 Whilst the proposals for the refurbishment of the fabric of the retained existing building elements is supported and the sensitive restoration of the front elevation and key spaces internally is to be welcomed, the proposals do also involve some significant harmful impacts.

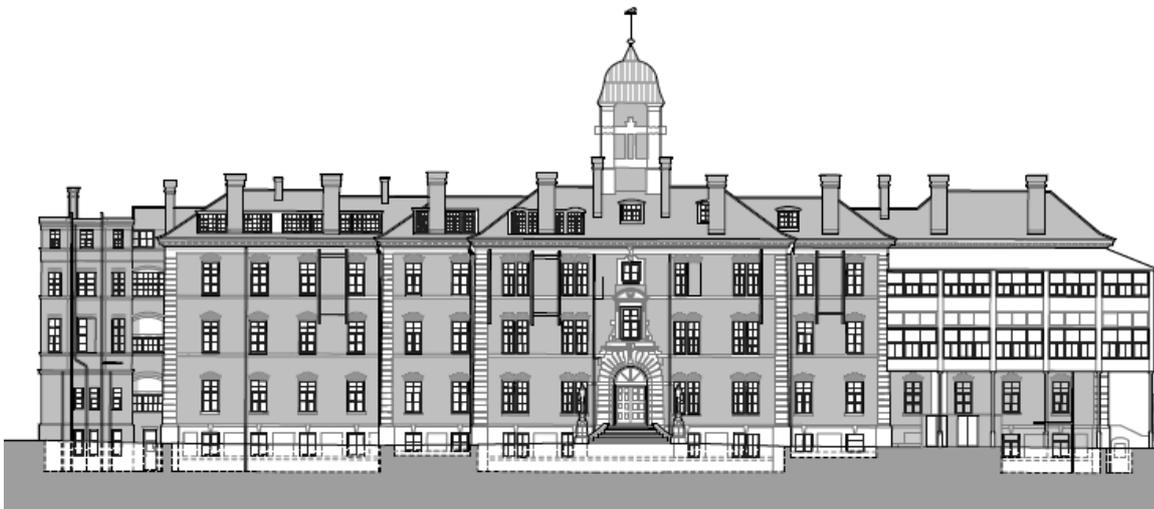


Figure 18: Existing Main Hospital Front Elevation

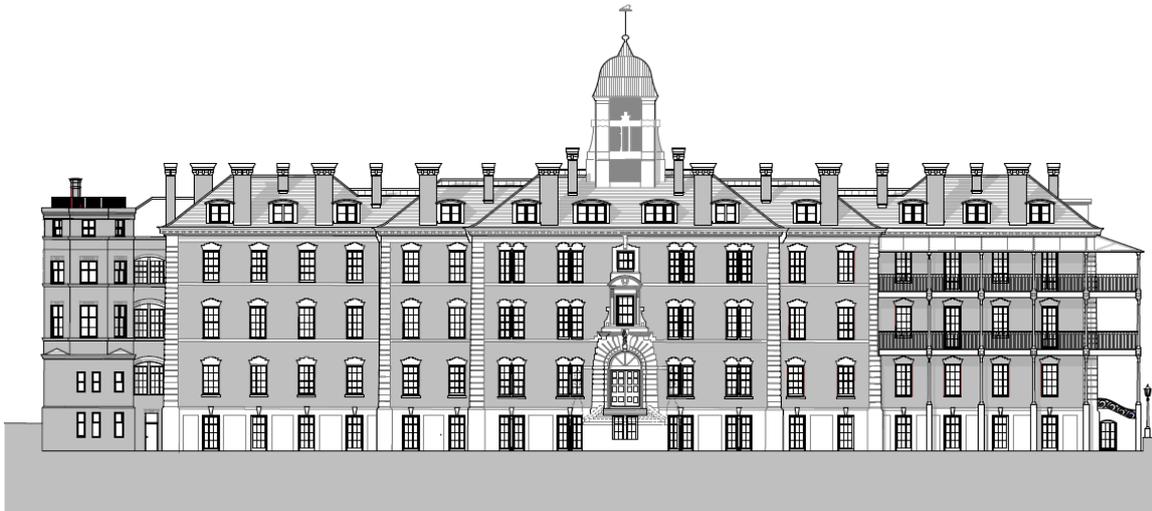


Figure 19: Proposed Main Hospital Front Elevation

The extension to the rear of the main building

- 12.26 The proposals are for a full-width full-height rear extension, which with the removal of the original roof will wrap over the main building. The existing historic back elevation has already been substantially compromised but elements of the original elevation remain between the wings to the rear. These proposals would remove this back elevation entirely, and would result in new build development to the full height of the hospital (including the roof).
- 12.27 The new rear projecting extension to the main hospital range would be a dominant building feature to the main range of the listed hospital and would also involve the loss of the existing roof structure and its internal features. The replacement roof would be an entirely modern structure and substantially wider than the existing historic roof.
- 12.28 Setting aside matters of detailed design of the proposed new extension (the appropriateness of the ‘memories’ of the former building; how new structure will integrate with the existing; and how the junction between the existing stairs and the new lift core is to be handled), it is important to look at the approach in terms of the basic principles of the proposals.
- Loss of the existing roof
 - Loss of the south wing
 - Internal alterations to allow conversion to residential

Loss of the existing roof

- 12.29 The proposals involve the removal of the current roof and its replacement with a new steel structure which reflects the profile of the existing front slope but modifies the number and extent of flat roof elements in the centre. This facilitates the new roof to cover both the main roof and the new extension to the rear of the main building.



Figure 20: Existing section of main building

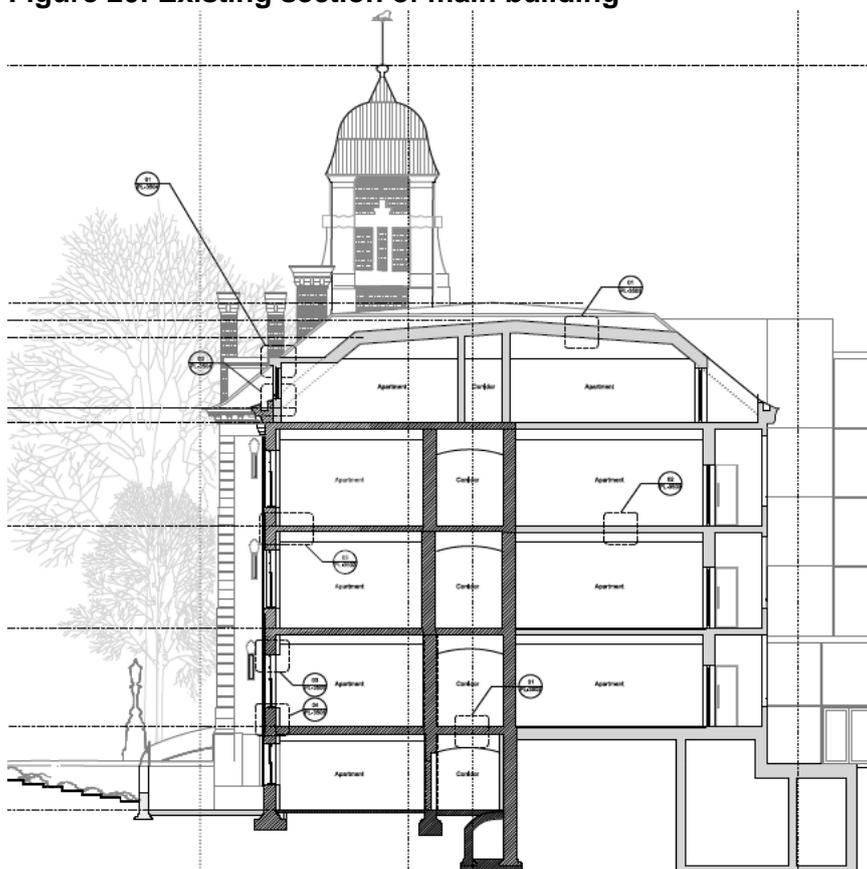


Figure 21: Proposed section of main building showing rear extension and new roof profile

- 12.30 The replacement would result in the loss of the existing timber trusses, all chimneys and existing dormers, and involves changes to the structure, materials and overall profile of the roof. Although the roof will be similar in appearance to the existing from some views, it will have lost much of its historic significance in terms of historic fabric and form. In addition the rebuilding involves the repositioning of the chimneys and the introduction of new dormers. In an attempt to readdress the harm caused by the loss of both fabric and original form, the intention is that the chimneys will be rebuilt with venetian tops to reflect the design of the originals.
- 12.31 The roof forms a significant element of the envelope of any building. In this instance the roof is a relatively shallow pitched low structure incorporating some modest dormers, a central tower and high chimneys. Whilst subject to some change (repairs to make good fire damage, the tower rebuilt before the war, additional dormers introduced to light nurses accommodation and the chimneys modified with the loss of some decorative elements) the structure and design intention of the original roof remain largely unaltered. The proposals would alter the envelope of the roof, and would result in the replacement of historic fabric and structural details and changes to the intended design, not only in the introduction of additional dormers but the repositioning of chimneys and existing dormers.
- 12.32 Appropriate justification for the loss of the roof might be that the roof has deteriorated to such an extent that it is not repairable, and that it is not sound. However, the Reuby and Stagg structural report submitted with the application suggests that in actual fact the roof is largely sound as demonstrated by the quotations below.
- “The roof from an overall perspective is in a sound condition with little evidence of roof spread when looking at the main ridge line”, and that “in general the chimneys are in a good condition”.*
- “The existing roof is in a serviceable condition despite large proportions of the roof having smoke damage and likely to have been replaced in sections following world war 2 damage. It may well be the case that once the roof is opened up completely, that localised areas may require a timber repair or replacement.”*
- 12.33 Were the roof found to be in an unsound condition, the expectation would usually be that as such a significant element of the fabric and design of the original building, it would be repaired/rebuilt as necessary to match the existing, thereby retaining existing fabric where possible.
- 12.34 In the additional report prepared by Montagu Evans (Appendix 4 of the Heritage Statement) submitted in support of the application, paragraph 13.0 notes the conclusion that, on the basis of findings provided by Sinclair Johnstone and Partners, the only alternative to rebuilding the roof is to leave it entirely as it is, as without alteration, it is not capable of providing accommodation justifying the works. Whether this constitutes justification for the loss of the roof is questionable.
- 12.35 The report from Sinclair Johnstone and Partners has informed revisions to the proposals (submitted in May 2018) which allow for the retention of the 3rd floor and the central tower. These revisions are to be welcomed, albeit it is arguable that the retention approach does not go far enough. It is likely that some of the hospital’s innovative heating and ventilation system still survives within the remaining truncated tower, and care would need to be taken to ensure that this and the tower are protected during any works to demolish the existing roof if permission were granted. No details of the repairs have been presented and these would need to be

conditioned if removal of the roof in principle is found to be acceptable. It should be noted that in the heritage statement (para 6.17) retention of the 3rd floor structure is caveated in terms of retention where original and remaining in a reasonable condition. Without further clarification, which can be secured by condition, this caveat could still potentially lead to the loss of the tower's supporting structure and have implications for the retention of the tower itself.

Loss of the south wing

- 12.36 The proposals result in the loss of south wing to enable the development of an entirely new and separate southern block.
- 12.37 The south wing is specifically included in the listing. Whilst slightly later than the main hospital it was the intention, at least from 1855, that two ward wings would be added when funds became available, creating a U-plan in the manner of the Brompton Hospital. The wing was added by William Beck in 1863-65.
- 12.38 The south wing emulates the style of the main building, has a plan form reminiscent of it and displays carving of a similar quality. Further to this it physically adjoins the main building forming an intrinsic element of the overall composition, and of the significance of the hospital as a whole. It also forms a key part of the main hospital's setting and contributes positively to the special character and appearance of the broader conservation area. The bulk of the end (east) elevation is readily visible from St James's Avenue.



Figure 22: South wing of the hospital building with infilled verandas and new extension

- 12.39 The loss of the wing is considered in paragraphs 6.12-15 of the submitted heritage statement. This section of the report argues that the south wing is of less interest than the main 1850s hospital building owing to alteration.

- 12.40 Although slightly later, the interest of the south wing is clearly set out in the listing description. It is also accepted that it has undergone alteration, however, the impact of this alteration on the significance of the buildings is less clear-cut.
- 12.41 Justification for demolition of the south wing seems to rest on the fact that the remaining parts of the main hospital are to be retained and restored, and that the proposed design includes what is stated to be an accurate reflection of the appearance of the rear elevation of the original south wing.

Internal Alterations

- 12.42 Whilst the conversion to residential is accepted in principle as an appropriate use of the building, further information needs to be provided by way of conditions so as to ensure the restoration and conversion works are undertaken in an appropriate manner.
- 12.43 How the conservation of the interior is to be managed is not fully resolved by the current drawings. Removal of fabric drawings are annotated to indicate the wholesale removal of lath and plaster. Similarly fire protection and details of thermal and acoustic insulation require resolution, although notes on the drawings suggest that measures would be incorporated within the floor spaces.
- 12.45 Reference is also made to the replication of existing ceiling mouldings were it is not possible to retain them, the relocation of fireplaces and the relocation of annunciator dials and piscinae. Ideally these historic features would be retained in situ, and supplemented where appropriate. Further clarification of the internal proposals would be sought by way of condition were the application approved.
- 12.46 Alteration to the floor plans to accommodate residential, whilst generally appearing to respect historic walls, does in some instances result in the loss of what appears to be original walls and corner chimney breasts.

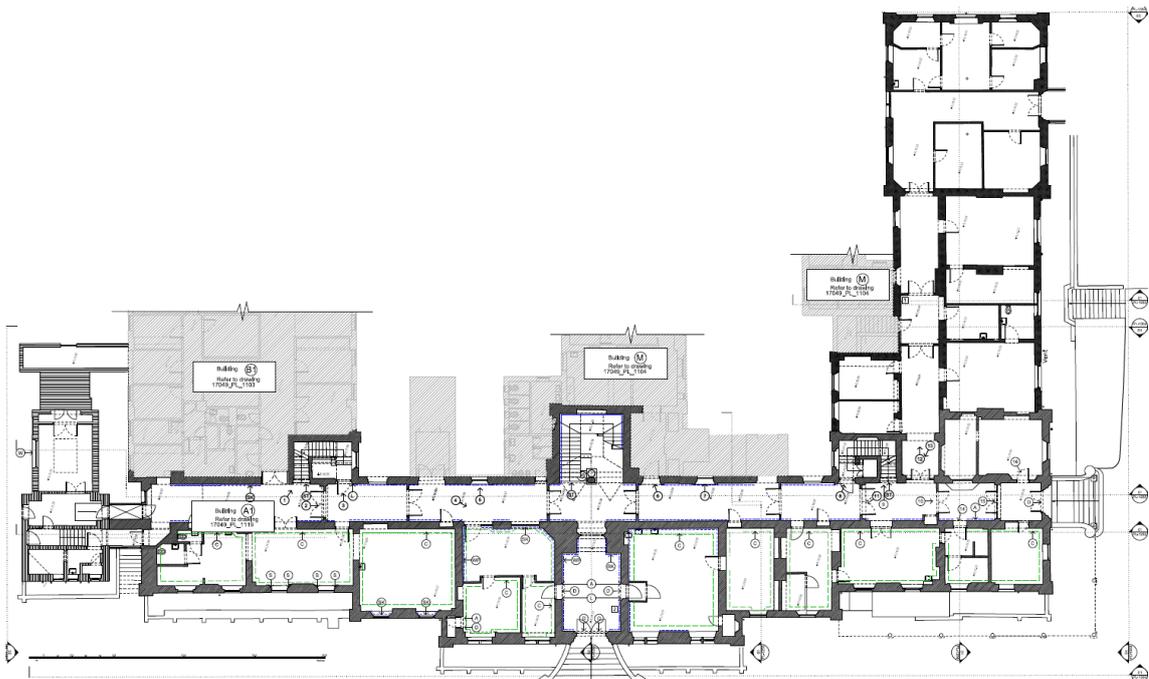


Figure 23: Existing ground floor of hospital building

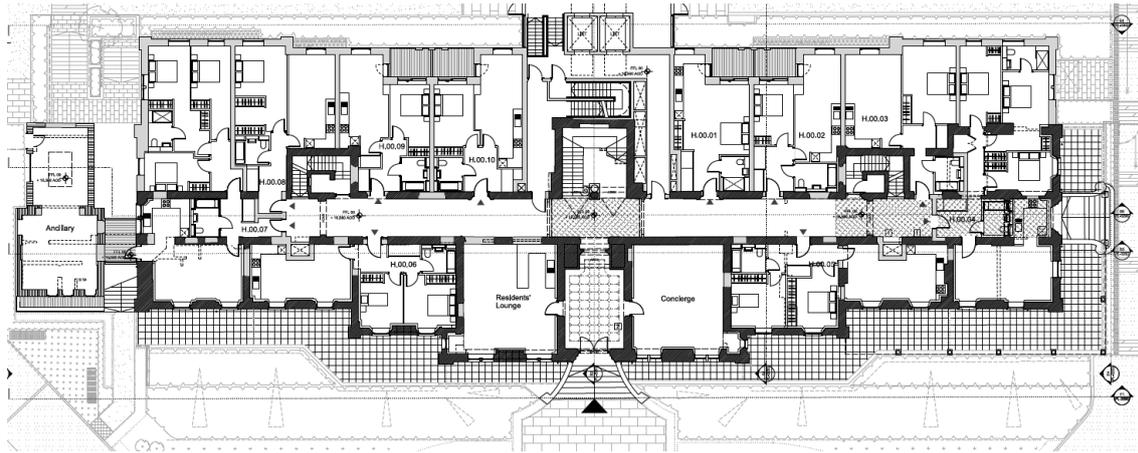


Figure 24: Proposed ground floor of hospital building

- 12.47 There is also some erosion of the corridors at either end with rooms being placed in the corridor space. The wide exercise corridor is a key feature of the hospital's floorplan and this erosion would harm its character and be detrimental to the significance of the retained listed heritage asset. On the ground floor it is unfortunate that the entrance at the southern end which retains its decorative doors is blocked and a room created in the corridor space.
- 12.48 The plans also indicate the removal of almost all the doors within the hospital. To what extent these doors and door furniture are part of the original fabric of the hospital needs to be better understood and documented and if the doors are historic then they would need to be the subject of a schedule and strategy for reuse that would be secured and controlled by condition.

Significance of the setting to the listed building

- 12.51 The significance of the hospital itself, and its special architectural and historic interest, is enriched by its parkland setting. Designed in a country house style, the parkland setting enhances the architectural illusion of the hospital as a grand country house set in its own landscaped garden. This setting contributes much to the overall significance of the listed building.
- 12.52 The gardens also reflect the importance placed upon fresh air and a country location as essential to health, and the treatment of tuberculosis, the main focus of the hospital. The suburban location of the hospital was an important consideration in its siting. In this way, the setting contributes to the significance of the listed hospital, reflecting the beliefs of the medical profession and the wider public at the time of construction.
- 12.53 Whilst it is recognised that the parkland setting has to a certain extent been compromised by the adhoc buildings which have developed to support the hospital function over the years, the relatively low scale of these buildings means that they sit beneath the tree canopy and are camouflaged by the mature greenery which surrounds the borders of the site. The main hospital is the most prominent building on the site, with the mature planting dominating views into the site, easing the transition between the open space of Victoria Park and development to the south and contributing positively to the character of the conservation area. For adjoining occupiers the feeling is of a low scale and intensity of development, set within an open space composed of mature trees and shrubbery.

- 12.54 The listing description also notes that the listed hospital building and those elements of the hospital encompassed within the listing have group value, with Victoria Park (a grade II listed park and Garden) and other listed structures close by including St James-the-Less Church and the Raines Foundation School. Thus their value is enhanced when considered in conjunction with one another. As a grouping, they each form a part of the setting for the others, and the interrelationships and views between them are significant.

Site's contribution to the character of the Victoria Park Conservation Area

- 12.55 The character of the conservation area is governed by the park itself, the Victorian buildings which border it and by the broader parkland feeling created by the generous public realm and landscaping. This is set out in the character appraisal which notes that, "*Mature planting and landscaping in both the public and private gardens create the high-quality open character of much of the area*"
- 12.56 The Chest Hospital is a major building within the conservation area and occupies a key site opposite to the entrance to the park across Bonner Bridge, an ancient monument. It is a landmark building within the conservation area set within its own landscaped grounds. Pennethorne, when designing Victoria Park, had originally anticipated that this site would provide an extension to the park and would be landscaped, and it was not until some years later that it was given over to the Chest Hospital.
- 12.57 The mature trees and shrubs around the boundaries of the site contribute to the parkland feel of the broader conservation area. Despite the numerous small scale buildings existing on the site, the overwhelming feeling is one of open character with lots of visible sky intersected by branches and foliage, views into the site being dominated by the mature planting.

Loss of the contextual buildings

- 12.58 The current proposals involve the removal of all the buildings on the site with the exception of the main building, and the adjoining sanitation tower, and include the demolition of the nurses' accommodation.
- 12.59 Whilst the listing of the hospital specifically excludes other buildings on the site as of no interest in terms of the listing, this does not necessarily mean that all of them can be dismissed as not making a positive contribution to the setting of the hospital and the broader conservation area. In the main they are relatively small buildings intended to fulfil the functional requirements of the hospital as and when those requirements have arisen.
- 12.60 However, the nurses' accommodation facing St James's Avenue dates originally from 1905, and although much was rebuilt with less distinguishable detailing following bomb damage, the block none the less contributes positively to the setting of the hospital and the broader conservation area beyond, being of an appropriate scale and associated with the broader historic use of the site. Their form is an important contextual element for the listed hospital, forming part of its setting. Their low scale also maintains the prominence of the landscaping, which is important to the setting of the Chest Hospital and an important part of the conservation area's special character and appearance

Impact of the proposed new build elements on the hospital building

- 12.62 The hospital had an important public role and landmark status, and this is reflected in its scale and prominence on the site and within the conservation area. Set within its own landscaped parkland setting, and exceeding the ambient height of much of the conservation area, it is a large scale freestanding building which contrasts with the finer grain of the terraces typical of the conservation area.
- 12.63 In terms of the existing scale and massing of buildings on the hospital site, it is clear that the hospital is the most prominent building, dominating the other buildings in terms of both scale and height. Most of the buildings across the site sit well below the shoulder/eaves level of the existing hospital. The buildings are ad hoc in terms of placing but they are lower and less substantial thereby ensuring the pre-eminence of the hospital.
- 12.64 The proposed buildings would be taller and of larger footprint than those existing, and would compete with the hospital in terms of both scale and prominence, being seen in direct comparison with the former hospital in key views such as that across the front lawn from the corner of Bonner Road and Approach Road (TVIA View 7).



Figure 25: TVIA Verified View 7 (Proposed view Winter)

- 12.65 View 7 illustrates the way in which the new development would potentially detract from the landmark character of the hospital building. The new buildings would reduce the prominence of the listed hospital, diluting its contribution to the character of the conservation area as a consequence.
- 12.66 The change in the scale over the site is clearly illustrated in the difference between existing and proposed sections. For example the existing and proposed site sections shown below illustrate the scale of buildings between the tower of the hospital and the spire of the church.

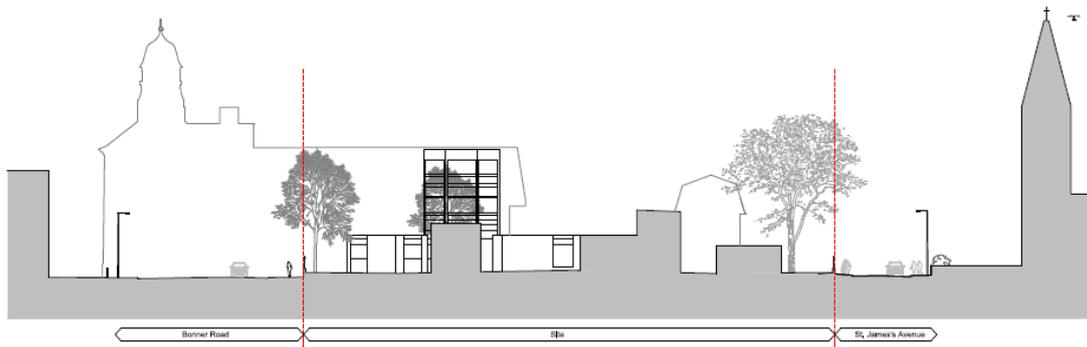


Figure 26: Existing site cross section – Bonner Road to St James’s Avenue



Figure 27: Proposed site cross section – Bonner Road to St James’s Avenue

Impact on St James the Less Church

- 12.68 The way in which the development competes with the existing heritage and hierarchy of buildings within the conservation area is also to be seen in Figure 24. This shows the way that the proposals for south block compete with the steeple of St James-the-Less Church, proposed Block A rising to a similar height as and detracting from the fine spire of the church.



Figure 28: TVIA View 4 – proposed view looking north along St James’s Avenue (winter)

12.69 At the time of construction the church would have been an important landmark and the spire would have been relatively higher than the surrounding housing, drawing attention to this important community building. The spire of the church to this today retains a landmark feature, notwithstanding the erection of 5/6 storey modern housing blocks since its construction. In the context of the proposed massing, the slim spire would have to compete for prominence with the new residential southern block. St James-the-less Church and the London Chest Hospital are also significant for their group value, their relationship to one another, and this is diminished by the intrusion of the proposed new southern block which sits between the two buildings.

Impact on the historic setting of the hospital

12.70 The scale and proximity of the new blocks to the main hospital would reduce the apparent openness around the hospital and the architectural vision of the hospital as a substantial country house within a parkland setting would be compromised.

12.71 The proposed north and south blocks would flank the main elevation of the hospital and would be read in conjunction with the front elevation. The view from the junction of Bonner Road and Approach Road, is the principle view of the main facade, and clearly shows the way in which the hospital and new blocks would be seen together (see Figure 25). When seen from the angle of the two roads, the Hospital is sandwiched between two new buildings of similar and greater height.

12.72 The relationship of north block to the sanitation tower is also of concern, the block sits on a two storey plinth, designed to echo that on the sanitation tower, though exceeding it in height. The south block would rise to 6 storeys and sit in close proximity to the hospital. While reference is made to the eaves level of the hospital, and there is small stepping away of the sixth storey, the roof scape appears unresolved in contrast to that of the hospital.

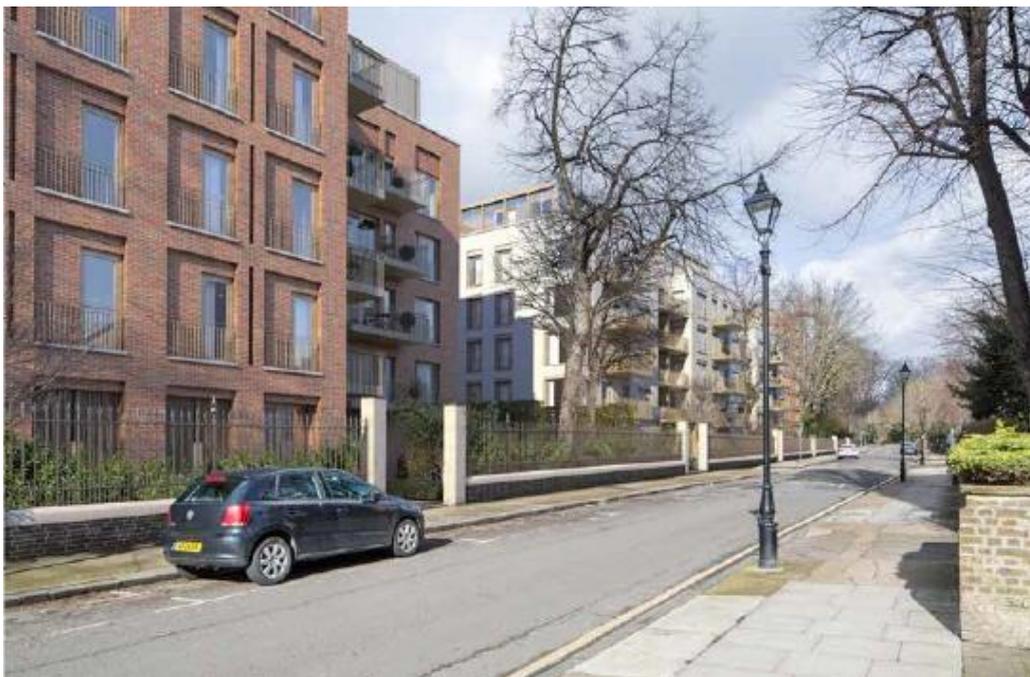
- 12.73 The extent and scale of the proposals compete for attention with the hospital itself impacting upon the ability to appreciate the architectural vision for the building, its landmark quality and the parkland setting, all key elements of its significance.

Contribution of landscape setting to the urban character of the Conservation Area

- 12.74 Key to the significance of the hospital and to the character of the conservation area is the landscaped environmental setting. Principally defined by Victoria Park itself, a park laid out in a traditional fashion with sweeping lawns and informal tree planting, this landscaped character is reflected within the setting of the Chest Hospital and in the conservation area as a whole. Substantial mature planting surrounds the hospital, and the impact of this is consolidated within the conservation area by a spacious public realm and tree lined avenues. This landscaped quality and planting contribute to the special character and appearance of the conservation area.
- 12.75 The hospital's landscaped setting, key to its significance and an understanding of its role and history would be impacted by the introduction of large residential blocks which would rise above the tree canopy and by the consequent reduction in mature greenery. Positively the proposals will preserve the historic green open space to the front of the hospital and indeed much of the planting across the site, alongside creating two large courtyards, the vision of the open space as parkland will to some degree be compromised by the proximity and enclosure, bulk and height of the new blocks. These proposals will result in a substantial change to the character of this block, to the perception of the balance between building and planting, and will diminish the impact and impression of other planting within Approach Road.
- 12.76 The scale and proximity of the new buildings to the boundary result in significant changes to the setting of the hospital and the conservation area. Verified Views 1 (figure 13 and 14) and 3 (figure 29 and 30) in particular show the change in the way the site would be perceived. At present the mature greenery is the most dominant element of the street scene with branches and foliage silhouetted against the sky. Once developed the new residential blocks would dominate these views, providing a much more urban quality to the views and in the case of St James's Avenue liable to impact on the open feel of the street.



Figure 29: TVIA verified view 3 – existing scenario winter.



Figures 30: Verified view 3 – proposed scenario winter.

Categorisation of harm

- 12.79 The decision about whether proposals constitute substantial or less than substantial harm to heritage assets as set out within Chapter 16 of the NPPF is always a matter of fact and degree.
- 12.80 Whilst there are a number of important and beneficial heritage consequences of the proposals, not least the refurbishment and reuse of the main hospital securing its future for the long term and restoring important architectural elements, the balance of negatives; the loss of the existing roof and its fabric - an intrinsic part of the

overall architectural vision, the loss of the south wing - such an important element of the overall heritage asset, and the impact of new development on the setting of the listed building altering the perception of the hospital as a landmark building within a parkland setting, and impacting upon the broader landscaped character of the conservation area., must mean that these proposals cumulatively tip the balance towards the top end of the spectrum of less than substantial harm category to the listed hospital.

- 12.82 In terms of the degree of harm the proposals would cause to the Victoria Park Conservation area, this would be considerable. Substantial mature planting surrounds the hospital and is key to the site's significance, but it is also a quintessential part of the special character and appearance of the conservation area as a whole which takes its cue from Victoria Park.
- 12.83 The chest hospital is a landmark institutional building within the conservation area and together with its landscape setting, the character of which is key to its overall significance, occupies a whole urban block. The mature planting which surrounds the site not only contributes to the aesthetic vision of the hospital as a country house but also reflects the character of Victoria Park which is a key focus of the designation, and consolidates and enhances the special character and appearance of the existing terraces within Approach Road, which is a key access to Victoria Park and which is a street which incorporates planting within the gardens and public realm, which references the park beyond.
- 12.84 Whilst the impact of this scheme upon the special character and appearance of the conservation area would be harmful, it would not result in the total loss of the conservation areas significance. It also needs to be acknowledged the direct visual impacts of the proposal remain confined to a relatively small area of the Victoria Park Conservation Area and the massing and height of the proposed buildings are not such that they are a visible and dominant from a significantly wider geographic area of the conservation area
- 12.85 Officers conclude the proposals do cause harm to designated heritage assets, albeit less than substantial. As such the scheme must be assessed against paragraph 196 of the NPPF with the necessary public benefit test applied.
- 12.85 With regard to consideration and apply a public benefit to the scheme including weighing the heritage benefits of the scheme against the harm to heritage assets as part of a broader undertaking of assessing the overall planning benefits of the proposed scheme officers refer members to Section 17 of this report that deals with this key consideration which hat is necessary for the decision-maker to undertake in circumstances where there is identified harm to designated assets.

Archaeology

- 12.93 With respect to the heritage implications of the scheme pertaining to archaeology the proposed scheme would involve development on the site of the medieval and later Bonner Hall complex. It is thought that some elements of this complex might remain on the site. Following advice received from Historic England's Greater London Archaeology Advisory Service (GLAAS) some preliminary trenching was undertaken prior to determination of the scheme. This trenching unearthed nothing of note. However site constraints were a factor in respect of explaining these unremarkable discovered outcomes.

- 12.94 In addition to the above, within the main hospital building, there is the possibility that the remains of Jeakes' innovative therapeutic engineering elements system exist. As such it is important that were development to commence in respect of this proposal care is taken to ensure that this is known historic feature is properly investigated.
- 12.95 GLAAS have raised no objection to the granting of planning consent subject to applying two suggested conditions to ensure that further appropriate archaeological investigations are undertaken.

13.0 Housing including Density

Policy Context

- 13.1 Increased housing supply is a fundamental policy objective at national, regional and local levels, including the provision of affordable housing.
- 13.2 NPPF Paragraph 8 advises that in pursuing sustainable development, an overarching objective of the planning system should be "*a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations.*"
- 13.3 NPPF Section 5 advises local planning authorities on '*Delivering a sufficient supply of homes.*' Paragraph 73 requires local plans to meet the full objectively assessed need for market and affordable housing and to identify and update annually a supply of specific deliverable sites sufficient to provide five years housing supply with an additional buffer of 5%.
- 13.4 London Plan Policy 3.3 '*Increasing housing supply*' refers to the pressing need for more homes in London and makes clear that boroughs should seek to achieve and exceed their relevant minimum targets. The London Plan annual housing monitoring target for Tower Hamlets is 3,931 new homes between years 2015 to 2025.
- 13.6 London Plan Policy 3.8 '*Housing choice*' requires borough's local plans to address the provision of affordable housing as a strategic priority. Policy 3.9 '*Mixed and balanced communities*' requires communities mixed and balanced by tenure and household income to be promoted including in larger scale developments.
- 13.7 London Plan Policy 3.11 '*Affordable housing targets*' requires boroughs to maximise affordable housing provision and to set an overall target for the amount of affordable housing needed in their areas. Matters to be taken into consideration include the priority for family accommodation, the need to promote mixed and balanced communities and the viability of future developments.
- 13.8 London Plan Policy 3.12 '*Negotiating affordable housing*' requires that the maximum reasonable amount of affordable housing be sought. This policy consideration should have regard to affordable housing targets, the need to encourage rather than restrain residential development, the size and type of affordable units needed to meet local needs, and site specific circumstances including development viability, any public subsidy and phased development including provisions for re-appraising viability prior to implementation. Affordable housing should normally be provided on site.

- 13.9 Tower Hamlets Core Strategy Policy SP02 (1) supports the delivery of new homes in line with the Mayor's London Plan housing targets. Policy SP02 (3) sets an overall strategic target for affordable homes of 50% until 2025. This is to be achieved by requiring 35%-50% affordable homes on sites providing 10 new residential units or more (subject to viability). Paragraph 4.4 explains:

“Given the extent of housing need, Tower Hamlets has set an affordable housing target of up to 50%. This will be delivered through negotiations as a part of private residential schemes, as well as through a range of public initiatives and effective use of grant funding. In some instances exceptional circumstances may arise where the affordable housing requirements need to be varied. In these circumstances detailed and robust financial statements must be provided which demonstrate conclusively why planning policies cannot be met. Even then, there should be no presumption that such circumstances will be accepted, if other benefits do not outweigh the failure of a site to contribute towards affordable housing provision”.

- 13.10 Core Strategy Policy SP02 (3) set an overall strategic target for affordable homes of 50% until 2025. This will be achieved by requiring 35%-50% affordable homes on sites providing 10 new residential units or more (subject to viability). The preamble in 4.4 states that *“given the extent of housing need, Tower Hamlets has set an affordable housing target of up to 50%. This will be delivered through negotiations as a part of private residential schemes, as well as through a range of public initiatives and effective use of grant funding. In some instances exceptional circumstances may arise where the affordable housing requirements need to be varied. In these circumstances detailed and robust financial statements must be provided which demonstrate conclusively why planning policies cannot be met. Even then, there should be no presumption that such circumstances will be accepted, if other benefits do not outweigh the failure of a site to contribute towards affordable housing provision”.*
- 13.11 Managing Development Document Policy DM3 (3) states development should maximise the delivery of affordable housing on-site.
- 13.12 The London Plan seeks a ratio of 60:40 rented to intermediate tenures within a affordable housing offer whilst the Borough's Local Plan policies seeks a 70:30 split to ensure housing contributes to the creation of socially balanced and inclusive communities.

Density

- 13.13 London Plan Policy 3.4 seeks to ensure that new housing developments optimise the use of land by relating the density levels of housing to public transport accessibility levels, to the site location and the neighbourhood building typology.
- 13.14 The Council's Core Strategy Policy SP02 also relates density levels of housing to public transport accessibility levels and additionally relates density levels of housing to the hierarchy and proximity of nearby town centres, so that higher densities are promoted in and around town centres that are higher up in the hierarchy.
- 13.15 The London Plan Housing SPG (2016) states that the density matrix contained within the London Plan (2016) should be applied flexibly rather than mechanistically. If a scheme leads to unduly detrimental adverse impacts to future residential occupiers or to the amenity of neighbouring occupiers, or fails to contribute positively to maintaining distinctive local character then it is reasonable

for the decision-maker to conclude the overall scale and density of development is too great for a site, whether it falls inside the relevant density matrix range for the locality or not.

- 13.16 Features of this site impose some very site specific challenges upon new development, amongst them safeguarding a high number of trees (including root protection zones) set towards the site boundaries and also the constrains upon new development arrived from not inserting new built development in front of the listed hospital's main elevation. These site specific material considerations diminish the value and applicability of the London Plan density to this site, and help inform the outcome of what is the optimum quantum of residential development for this site.
- 13.17 The London Plan's density matrix provides for a site in this type of locality a density for new residential development within the range of between 200-700 habitable rooms per hectare, based upon its (a) inner urban London locality; (b) PTAL rating of 5 or 6 that is located outside and more than 800m away from a district town centre. The site is also not located within any London Plan designated opportunity areas.
- 13.18 The proposed development provides a residential density of 473 habitable rooms per hectare. This figure is consistent with London Plan's density matrix for a new development set within an inner London locality with a PTAL rating of 4-6 located outside a town centre and the building typology the surrounding neighbourhood possesses. As discussed within the main body of this report, the proposal does not exhibit a wide set of symptoms associated with over-development, and accordingly, the site density, which in fact sits comfortably within the London Plan density matrix, is considered appropriate.

Affordable Housing

- 13.19 As noted above, a new affordable housing offer was made by the applicant on 10th July 2018. The offer as submitted May 2018 constituted an offer of 30% by habitable room. The new offer submitted on 10th July 2018 constitutes 35% by habitable room. The table below shows the split between affordable and market housing units:

Table 2: Affordable Housing offer – Market housing split

	Number of units	% of Units	% of habitable rooms
Market	205	70.5%	65%
Affordable	86	29.5%	35%
TOTAL	291	100%	100%

- 13.20 The affordable housing provision is split 73:27 in favour of affordable rented housing measured by habitable rooms. This is out of sync with the Council's 70:30 (rented:intermediate) target but as the split is towards affordable rented accommodation, this ratio is acceptable.
- 13.21 The affordable rented housing accommodation would be provided on a 50:50 split between London Affordable Rents and Tower Hamlets Living Rent across all the rented 1, 2 3 and 4 bedroom units. The affordable rented and intermediate accommodation would be contained in the southern building in Blocks A and B. The London Affordable Rents would be set at £150.03, £158.84, £167.67 and £176.49 for 1, 2, 3 and 4 bedroom units respectively excluding service charges and

the LBTH Living Rents would be £191.90, £211.09, £230.28 and £249.48 for 1, 2, 3 and 4 bedroom units respectively inclusive of service charges.

- 13.22 A viability appraisal has been submitted with the scheme and this has been independently reviewed by the Council's Independent Assessor along with the GLA's Homes for Londoners Team.
- 13.23 The GLA team assessed the viability appraisal in January 2018 and raised concerns about the applicant's overstated Benchmark Land Value (BLV) and considered at that time that the offer of 28% affordable housing was 'wholly unacceptable'.
- 13.24 Officers at the GLA have now had the opportunity to review the current 35% affordable housing offer and in September 2018 have written to the Council stating they welcome the applicant's 35%, responds positively to the threshold approach to affordable housing set out in the Mayor's SPG, although would like the applicant to explore GLA grant funding to increase still further the proportion of affordable housing.
- 13.25 The Council's assessors have failed to reach an agreed position with the applicant with respect to the Benchmark Land Value (BLV). With respect to the BLV, the applicant asserts this to be of the order of £24.5 million based on the market value of comparable sites. Council Officers and the Council's Independent Assessor consider the approach put forward by the applicant is not appropriately justified. On the basis of adopting this value, the applicant asserts that the scheme is not viable at 30% affordable housing. Nevertheless, with their amended offer of 10th July 2018 the applicant states they are prepared to make a "one-time" offer of 35%. They have also stated were they not to receive consent, this one time offer would be reappraised.
- 13.26 The Council's independently appointed assessor, in collaboration with Council officers adopted an Alternative Use Value methodology in deriving the Benchmark Land Value. This is supported by the Council's Development Viability SPD and the Mayor of London's Viability SPG. This approach has been undertaken because there is a nominal value for the site in its "existing" (most recent) use as a hospital, so the approach is based on an alternative scheme that would likely achieve permission. The BLV considered appropriate by the Council and its Independent Assessor reflects a value of £15,000,000.
- 13.27 In adopting this figure for Benchmark Land Value, the Council's assessors have found that the scheme could viably provide 35% of affordable housing. The Council's viability assessors conclude that the 35% affordable housing offer is considered to be the maximum reasonable amount that could be provided within the scheme.

Housing Mix

- 13.28 Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type. Policy SP02 of the Core Strategy also seeks to secure a mixture of small and large housing, requiring an overall target of 30% of all new housing to be of a size suitable for families (three-bed plus) including 45% of new affordable rented homes to be for families. Policy DM3 (part 7) of the MDD requires a balance of housing types including family homes. Specific guidance is provided on particular

housing types and is based on the Councils most up to date Strategic Housing Market Assessment (2009).

Table 3: Bedroom Mix by Tenure

Tenure	Type	Number of Units	Policy Requirement (%)	Proposed Mix (%)
Private	Studio	36	0%	18%
	1 bed	74	50%	36%
	2 bed	82	30%	40%
	3 bed	13	20%	6%
	4+ bed	0		0
			205	100%
Affordable Rented	1 bed	11	30%	19%
	2 bed	27	25%	47%
	3 bed	15	30%	26%
	4+ bed	5	15%	9%
			58	100%
Intermediate	Studio	0	0%	0
	1 bed	13	25%	47%
	2 bed	15	50%	53%
	3 bed	0	25%	0%
	4+ bed	0		0
			28	100%

13.29 The Local Plan does not target provision of studio units in any tenure. The scheme underprovides in 1 bedroom market units against the Borough target. However if studio units are factored in, the mix is in excess of the 50% target (54%). The scheme markedly overprovides in 2 bed market units (40% against 30% target) and conversely significantly underprovides in larger family sized markets units, consisting of 6% of the total markets as opposed to the 20% target. It is notable that no 4 bedroom plus units are provided. The under provision in larger family sized units is considered on balance acceptable when informed by the advice within London Mayor’s Housing SPG in respect of market housing. This SPG argues that it is inappropriate to apply these targets crudely as *“housing mix requirements especially in relation to market housing, where, unlike for social housing and most intermediate provision, access to housing in terms of size of accommodation is in relation to ability to pay, rather than housing requirements”*.

13.30 With respect to affordable rented units there are 19% of one bed units against the Borough target 30%, 47% of two bed units against the targeted 25%, 26% of three bed units against target of 30%, and 9% of four bed units against our policy of 15%. The proposed scheme would therefore overprovide 2 bedroom affordable rented units whilst being under target values for 3 and 4 bedroom family units. The 35% family provision falls below the 45% policy target with the 9% provision of 4 bedroom units below the 15% target. Whilst the proposals do not accord with the policy targets, the variation from these targets is considered to be within acceptable levels.

- 13.31 Intermediate units provide 47% of one bed units against the policy of 25%, with the remaining 53% being two bedrooled units against a target of 50%. There are no three bed units. The lack of three bed units is considered acceptable given potential affordability implications within this tenure for larger sized units.

Housing quality and standards

- 13.32 London Plan Policy 3.5 '*Quality and design of housing developments*' requires new housing to be of the highest quality internally and externally. The London Plan explains that the Mayor regards the relative size of all new homes in London to be a key element of this strategic policy issue. Local Plans are required to incorporate minimum space standards that generally conform to Table 3.3 – '*Minimum space standards for new development*.' Designs should provide adequately sized rooms and convenient and efficient room layouts. Guidance on these issues is provided by the Mayor's '*Housing*' SPG 2016.
- 13.33 In March 2015, the Government published '*Technical housing standards – nationally described space standard*.' This document deals with internal space within new dwellings across all tenures. It sets out requirements for the gross Internal (floor) area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The Minor Alterations to the London Plan 2016 and the Mayor's '*Housing*' SPG 2016 reflect the national guidance.
- 13.34 All of the proposed units within the new build residential blocks and the main hospital building would meet or exceed the National Housing Standards minimum internal space standards. The scheme provides residential floor plans that are broadly consistent with Mayor of London's Housing SPG baseline standards. The new build elements would contain no more than 8 units served per core, per floor and whilst the cores within the main hospital building would serve more than eight units, this is considered acceptable given the heritage constraints associated within introducing new cores to this building. None of the corridors would benefit from natural light and ventilation as required by the Mayor's Housing SPG which is not considered ideal within a new build scheme.
- 13.35 Over 50% of units would be dual aspect and there would be no single aspect north facing units, which is acceptable.

Privacy/Overlooking

- 13.36 Between the proposed residential units, and to existing neighbouring properties, issues of overlooking are generally avoided with the siting of the residential buildings achieving in excess of the 18m minimum guidance separation distance between directly facing habitable rooms, as set out in DM25 of the Local Plan.
- 13.37 However, within the development there are a large number of habitable windows serving flank end homes that would face each other and have a separation distance of between 12m and 16m. In total 73 of the proposed residential units would be impacted by this relationship, which is particularly apparent between Blocks A and C and Blocks E and F respectively.
- 13.38 Five of the impacted units would be single aspect. However, it is noted that these five units would be located within Block F and would be for private sale meaning that the occupier would be able to assess any privacy issues at time of purchase.

- 13.39 Within the dual aspect units themselves, there are a number of single aspect rooms that would be directly affected. The vast majority of these would be bedrooms although there are also 8 kitchen/living areas within Block B that would have a separation distance of 15.2m to (dual aspect) kitchen/living areas within Block C.
- 13.40 In summary, the scheme does not provide any material overlooking issues to existing neighbouring development and on-balance officers consider the potential overlooking issues between the residential units within the proposed scheme are acceptable.

Inclusive design

- 13.41 From street level there will be step free access to all of the residential units across the site save for 5 intermediate tenure units on the first floor of Block B owing to the separation of affordable rented and intermediate cores.
- 13.42 The majority of the blocks would be served by two lifts save for Blocks E and D which would be both be served by a single lift and would contain private sale units.
- 13.43 London Plan Policy 3.8 'Housing Choice,' the Mayor's Accessible London SPG, and MDD Policy DM4 'Housing standards and amenity space' require 10% of new housing to be wheelchair accessible or easily adaptable for residents who are wheelchair users. London Plan Policy 3.8 'Housing choice' and Core Strategy Policy SP02 (6) requires all new housing to be built to Lifetime Home Standards.
- 13.44 On 14th March 2016, Minor Alterations to the London Plan (MALP) were published to bring the London Plan in line with the Government's national housing design standards.
- 13.45 Accordingly the requirement for all new dwellings to meet Lifetime Homes Standards and 10% to be wheelchair accessible or easily adaptable is now be interpreted as requiring 90% of new housing units to meet the Building Regulations optional requirement Part M4 (2) 'accessible and adaptable dwellings'; 10% of new housing within the market sales to meet the optional requirement M4(3)(2)(a) (adaptable); and 10% to meet the optional requirement M4(3)(2)(b) (accessible) within the rented affordable housing. The applicant states, and the floor plans indicate, that the development is capable of meeting the aforementioned new national accessibility standard including the Building Regulation optional required and adopted as policy requirements in MALP.
- 13.46 Were consent granted a minimum 10% of units would be fully wheelchair accessible or readily adaptable across all tenures in line with the aforementioned Building Regulation option requirements.

Internal Daylight and Sunlight

- 13.47 DM25 of the MDD seeks to ensure adequate daylight and sunlight levels for the future occupants of new developments. The Building Research Establishment (BRE) Handbook 'Site Layout Planning for Daylight and Sunlight 2011: A Guide to Good Practice' (hereinafter called the 'BRE Handbook') provides guidance on the daylight and sunlight matters. It is important to note, however, that this document is a guide whose stated aim "is to help rather than constrain the designer". The document provides advice, but also clearly states that it "is not mandatory and this document should not be seen as an instrument of planning policy."

13.48 The application is accompanied by a daylight and sunlight assessment report that tested the daylight and sunlight provision to the proposed new dwellings.

Daylight

13.49 The daylighting conditions within new homes are normally assessed in terms of the Average Daylight Factor (ADF). The BRE guidelines and British Standard 8206 recommend the following minimum ADF values for new residential dwellings:

- >2% for kitchens;
- >1.5% for living rooms; and
- >1% for bedrooms

13.50 A second daylight measurement is the proportion of the room which receives direct sky light through the window i.e. it measures daylight distribution within a room. The BRE Handbook states that if an area of a room that receives direct daylight) is reduced to less than 0.8 times its former no sky limit (NSL) value the effects will be noticeable to its occupants.

13.51 The submitted assessment tested 748 habitable rooms within the proposed development for daylight and sunlight, regardless of orientation. The report states that 82% of the habitable rooms within the proposed development will meet the minimum recommended ADF targets with the trees in place.

13.52 The report states that 95% of habitable rooms will either satisfy the ADF guidelines (above) or have a daylight area (enclosed by the NSL) greater than 50% of the room, which the applicant’s assessor considers to be a “very good level of compliance” for a proposed scheme of this size.

13.53 In response to this, the Council’s assessor has confirmed that the ADF and NSL tests are not conducted on an “either/or” basis and nor is 50% the BRE target for NSL, so it is incorrect to refer to “compliance”. Nevertheless, the Council’s assessor concludes that 82% overall adherence to the ADF guideline is not unreasonable for this density of development.

13.54 The number of transgressions to the ADF criteria per block for the main living areas (Living/Dining Rooms, Living/Kitchen/Dining Rooms and Studios) are highlighted in the table below.

Table 4: ADF transgressions to main living areas

Criteria	No. of ADF transgressions to main living spaces (LDs/LKDs/Studios)				
	Northern block	Central block	Southern block	Main building	Total
≤0.99% ADF	7	9	4	4	24
1% to 1.49% ADF	3	14	8	9	34
1.5% to 1.99% ADF (LKDs and studios only)	8	12	5	17	42
Totals	18	35	17	30	100

13.55 A total of 100 main living spaces would be below the ADF guidelines, of which 42 could be considered acceptable (1.5% to 1.99% ADF). Of the remaining 58, 34 will be slightly below the guideline (at 1% to 1.49% ADF) and a further 24 would be well below the guideline (at ≤0.99% ADF).

- 13.56 A number of the living spaces that would not meet the ADF recommendations occur behind recessed balconies, which would at least provide private amenity space to the flat, or are in the historic part of the building, where heritage considerations dictate the size of window apertures. Others occur within the inverted corners of the new blocks and would therefore be a factor of the design and layout of the proposed development.
- 13.57 The Council's assessor has also raised concerns about some of the parameters used to derive the ADF figures, particularly in regard to the values used for diffuse glass transmission. Were a new scheme to come forward on the site, this should be clarified.
- 13.58 In relation to sunlight, the level of adherence to the BRE guidelines is lower than for daylight, with 54% adherence overall and 67% for living rooms. This is considered to be not out of the ordinary by the Council's assessor for new, higher density building and has been particularly emphasised in this case as all rooms have been tested, irrespective of orientation.
- 13.59 In assessing internal daylight and sunlight results, the urban location and site constraints are important considerations. The Mayor of London's Housing SPG emphasises the need to apply the guidelines with an appropriate degree of flexibility and sensitivity to higher-density housing development, given the need to optimise housing capacity.
- 13.60 In light of the above, the internal daylight and sunlight levels to the proposed development are considered broadly acceptable in this instance.

Sunlight to amenity spaces within the development

- 13.61 The results of the two-hours sun-on-ground test on 21 March (spring equinox) show that compared with the BRE guideline of 50%, the two main courtyard spaces would achieve two hours of sunlight to 45.6% and 56.8% of their respective areas and the western amenity space will achieve it to 100% of its area. A supplementary test on 21 June shows much higher percentages for the courtyard spaces. The Council's assessor considers the sunlight availability to the amenity spaces to be acceptable.

Amenity space

- 13.62 For all major developments, there are four forms of amenity space required: private amenity space, communal amenity space, child play space and public open space. The 'Children and Young People's Play and Information Recreation SPG' (February 2012) provides guidance on acceptable levels, accessibility and quality of children's play space and advises that where appropriate child play space can have a dual purpose and serve as another form of amenity space. This is particularly apt for very young children's play space as it is unlikely that they would be unaccompanied. However policy is clear that any dual purpose amenity space strategy must not be formulated to double count amenity space and thereby dilute the amenity space standards.

Private Amenity Space

- 13.63 Private amenity space requirements are set figures determined by the predicted number of occupants of a dwelling. Policy DM4 of the MDD sets out that a minimum of 5sq.m is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant. If private amenity space is in the form of balconies, they should have a minimum depth of 1500mm.

- 13.64 The proposal provides private outdoor amenity space to the majority of units in the form of private balconies and external terraces. The majority of units within the Main Hospital building do not benefit from private amenity space, nevertheless, this is considered a legitimate response to the constraints of the listed building and, additionally, future residents of the main hospital building would have access to 146sqm on the flat roof of Block D.
- 13.65 There are also a total of 12 private studio units in new build Blocks C, D and E which also would not benefit from external amenity space. This deficit in providing private external amenity space to 12 individual units officers consider does not warrant a reason to refuse the scheme given: (a) the number of units affected is small as a proportion of the total number of units in the scheme; (b) due material weight and consideration needs to be given by the decision-maker to the overall very generous provision landscaped communal open space falling within the curtilage of the site and the high quality of spaces that creates. Most notably the large lawn area set in front of the main hospital building .

Communal Amenity Space

- 13.66 Communal amenity space is calculated by the number of homes within a proposed development. 50sq.m is required for the first 10 units with an additional 1sqm required for each additional unit. Therefore, the required minimum amount of communal amenity space for the development would be 331sq.m.
- 13.67 The communal amenity space would be provided in various areas throughout the site the gaps between the new blocks and the landscaped garden areas at the northern corners of the site. Private communal amenity space provided for residents of the development *only* would exceed the policy requisite 331sq.m by approximately 300sq.m, without factoring the main area of lawn situated in front of the retained main hospital building that would also serve as open space for the general public.
- 13.68 In addition to the circa 660sq.m of site wide shared communal open space , there is an additional 147sqm on the roof of Block D. As this is solely for the residents of the Main Hospital Building, this has not been calculated into the above recorded 331sq.m of communal external amenity space.

Child play space

- 13.69 The Mayor of London's 'Children and Young People's Play and Informal Recreation' SPG provides guidance on acceptable levels, accessibility and quality of children's play space and advises that where appropriate child play space can have a dual purpose and serve as another form of amenity space. This is particularly apt for very young children's play space as it is unlikely that they would be unaccompanied.
- 13.70 Play space for children is required for all major developments. The quantum of which is determined by the child yield of the development, with 10sqm of play space per child. The London Mayor's guidance on the subject requires, inter alia, that it will be provided across the development for the convenience of residents and for younger children in particular where there is natural surveillance for parents.
- 13.71 The scheme is predicted to yield approximately 79 children using the GLA calculator. This yield by age group is estimated as follows:

- 40 children under aged 0-4,
- 30 children between ages of 5-11 and
- 21 children between ages 12-18

- 13.72 This child yield equates to a requirement for 400sq.m of play space for children under age of 5, 300 sq.m for ages 5-11 and 210 sq.m for older children.
- 13.73 The proposed layout plans indicate the scheme could provide the required quantum of child play space for children of all ages within the site. The 0-5 child play space is stated by the applicant to be exactly 400sqm and would be provided through the triangular area of space bound by Blocks A and B of the southern building and the Bonner Road site boundary. This would therefore be immediately adjacent to the affordable housing units and thereby those units with the highest predicted yield. However, given the gated access points across the site, it is understood that occupants of the other residential blocks using this space would have to pass through at least one (but more often two) gates to get to reach this play space. This would therefore be controlled by fobbed access.
- 13.74 The 10th July 2018 amendments to the scheme, which increased the affordable housing offer to 35% and thereby resulted in an increase in child yield and requirements for child play space, have meant that this triangular area of space, previously set within landscaped boundaries with ornamental trees, has expanded to occupy the full extent of the space. The reduction in separation distance to residential units along with the loss of visual screening, would therefore potentially reduce the attractiveness of this area to users.
- 13.75 The play space for older children would be located within the courtyard spaces surrounded by Blocks H, D, C and E. The layout of this open space is such that it is capable of serving the playspace the needs of children of all ages over 5. Fobbed access would be required for occupiers of the blocks not immediately adjacent to the courtyard spaces. Were permission granted, further detailed plans of each element of play space would be sought by condition. The main front lawn to the site although not factored into the applicant's play space provision for the scheme is evidently an additional informal space that could be used by residents of the development as additional plays pace for children and a space that lend itself for older children who may wish to play informal ball sports there. Victoria Park is also located in very close proximity to provide further opportunities for plays space for older children.
- 13.76 The large front lawn area is well capable of serving as general communal amenity space for both future residents of the development and the residents of the surrounding area and as such set this scheme does not have take upon the character of a gated development, notwithstanding there are series of secure communal and play spaces accessible only to the residents of the development.

Secure by Design

- 13.77 Policy 7.3 of the London Plan 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. Policy DM23(3) of the Council's adopted Managing Development Document requires development to improve safety and security without compromising good design and inclusive environments. Policy SP10 of the Borough's adopted Core Strategy require development to create distinct and durable places.

13.78 The Designing out Crime Officer has reviewed the original submission and is content that subject to further information supplied through the form of a condition, the scheme can successfully achieve secure by design residential accreditation.

14.0 Neighbours Amenity

14.1 Policy DM25 states safeguarding neighbours amenity should be by way of protecting privacy, avoiding an unduly detrimental increase in sense of enclosure, loss of outlook, deterioration of sunlighting and daylighting conditions or overshadowing to surrounding open space. DM25 sets out as guidance that an 18m separation distance between directly facing habitable rooms will avoid unacceptable inter-visibility between homes.

14.2 Policy DM25 also requires new development to not create unacceptable levels of noise, vibration, light pollution or reductions in air quality during construction or operational phase of the development.

14.3 With regard to an assessment of sense of enclosure or the impact upon outlook of a development, this is not a readily definable measure and the impact is a matter of judgement.

14.4 If there are significant failures in daylight and sunlight or infringements of privacy it can be an indicator that the proposal would also be overbearing and create an unacceptable sense of enclosure.

Daylight/sunlight assessment criteria

14.5 DM25 and SP10 of the Local Plan seek to ensure that existing and potential neighbouring dwellings are safeguarded from an unacceptable material deterioration of sunlight and daylight conditions.

14.6 For calculating daylight to neighbouring properties, affected by a proposed development, the BRE guidelines (*Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice (2011)*) outlines a two-part test. The first part assesses the effect on the total amount of light reaching the window - the vertical sky component (VSC) – and the second part assesses the effect on the daylight distribution inside the room (No-Sky Line/Contour), where internal room layouts are known or can reasonably be assumed.

14.7 The VSC is a quantified measurement of the amount of skylight falling on a vertical wall or window. The BRE handbook suggests a window should retain 27% VSC or at least 80% of the pre-development VSC value, otherwise the effects will be noticeable to the occupants.

14.8 The daylight distribution test measures the proportion of the room which receives direct sky light through the window i.e. it measures daylight distribution within a room. The BRE Handbook states that if an area of a room that receives direct daylight is reduced to less than 0.8 times its former no-sky line (NSL) value the effects will be noticeable to its occupants.

14.9 For sunlight, applicants should calculate the percentage of annual probable sunlight hours (APSH) to windows of main habitable rooms of neighbouring properties that face within 90° of due south and are likely to have their sunlight reduced by the development massing. The BRE guide recommends a window should retain 25% APSH, with at least 5% APSH in the winter months (September

to March), or at least 80% of the pre-development VSC value, otherwise the effects will be noticeable to the occupants.

- 14.10 For shadow assessment, the requirement is that a garden or amenity area with a requirement for sunlight should have at least 50% of its area receiving at least 2 hours of sunlight on 21st March) or at least 80% of the pre-development value, otherwise the effects will be noticeable to its users.
- 14.11 It can be helpful to categorise impacts that exceed the BRE guide's numerical guidelines. The following categories have been used to describe the magnitude of loss of daylight and sunlight:
- 0-20% reduction – Negligible
 - 21-30% reduction – Minor loss
 - 31-40% reduction – Moderate loss
 - Above 40% reduction – Major loss
- 14.12 Where neighbouring windows sit beneath projecting balconies or are recessed into the building or are adjacent to projecting wings, the BRE guide advises that they typically receive less light, because the projections cut out light, and that this may unavoidably result in large relative impacts from development opposite. The guide advises that one way to demonstrate this is to carry out an additional test for both the existing and proposed situations, without the projecting balcony or wing in place. If, with the projection in place, the daylight/sunlight value in the proposed condition is less than 80% of the existing value, but without the projection the ratio is well over 80%, this would show that the presence of the projection, rather than the size of the new obstruction, is the main factor in the relative loss of light.
- 14.13 The applicant has submitted a daylight/sunlight/overshadowing report which tested the impacts of the proposals on the following properties:
- 1 to 60 Reynolds House
 - 41 Sewardstone Road
 - 1 to 17 Cleland House and 1 to 17 Goodrich House
 - 1 to 42 Rosebery House
 - 1 to 20 Sankey House
 - The Vicarage
 - 1 to 12 Pomeroy House
 - 76 to 116 Bonner Road

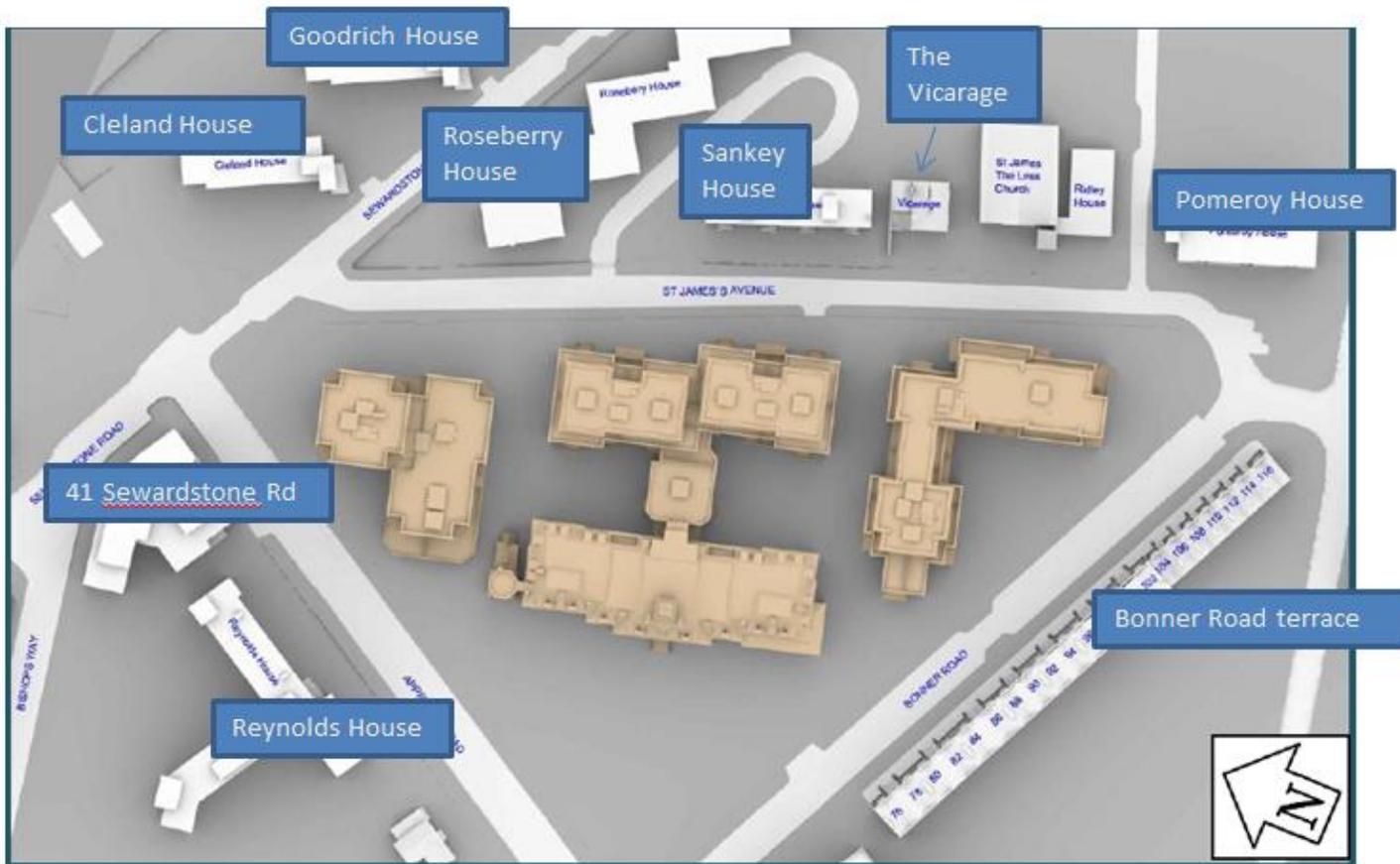


Figure 31: Site plan showing properties in proximity to the site.

14.14 The Council appointed a consultant to independently interpret the results provided by the applicant who agreed with the properties tested in the submitted report.

Daylight Analysis

Reynolds House

14.15 74 habitable rooms served by 74 windows were assessed in the submitted report. The effects on daylight and sunlight to all 74 habitable rooms and 74 windows would fully adhere to the BRE numerical guidelines. Consequently, the Council's assessors conclude that the proposed development would not cause an unacceptable material deterioration to daylight levels at Reynolds House.

41 Sewardstone Road (Sotherby Lodge)

14.16 43 habitable rooms served by 65 windows were assessed at this property. 51 of 65 windows tested would satisfy the VSC guideline and 41 of 43 rooms tested would satisfy the NSL guideline.

14.17 Of the 14 VSC window transgressions, their relative losses will be minor for 10, moderate for 3 and major for 1. Where the windows do not sit beneath projecting balconies they will generally retain reasonably good VSC values (typically at least 24% VSC). Where they do sit beneath projecting balconies, half of these serve a Living/Kitchen/Dining Room (LKD) with a better-lit second window that does not sit beneath a balcony and will retain a reasonable VSC value; the other half would

experience greater relative losses than the BRE guidelines recommend (minor to moderate losses between 24% and 32% loss) and would retain VSC values lower than the guidelines recommend (between 15% and 18% VSC). However, when they are re-tested with balconies omitted, in accordance with the additional BRE test, two would satisfy the guidelines and the third (at 1st floor level) would only be very slightly over the guideline with 21% loss and a good retained value of 26% VSC.

- 14.18 The Council's assessors therefore concludes that the proposed development would not cause an unacceptable material reduction in daylight levels, because the retained values are reasonable and in the few instances where they are below what would be preferable, the projecting balconies are a material factor in the relative light loss.

Cleland House

- 14.19 34 habitable rooms served by 34 windows were assessed in the submitted report. 27 of 34 windows tested would satisfy the VSC guideline and all 34 rooms tested would satisfy the NSL guideline.
- 14.20 Of the 7 VSC transgressions, 2 of these would be only slightly above the BRE guidelines. The remaining 5 are ground floor windows sitting beneath the 1st floor deck access balcony and are also partially blinkered by vertical dividers between flats. With these balconies and dividers removed, in accordance with the additional BRE test, the effects on VSC would be fully BRE adherent. Furthermore, even with the balconies and vertical dividers, all rooms would satisfy the NSL guideline with negligible loss of light. The Council's assessors therefore conclude that the proposed development would not cause an unacceptable material deterioration in daylight to this building.

Goodrich House

- 14.21 34 habitable rooms served by 34 windows were assessed. 29 of 34 windows tested would satisfy the VSC guideline and all 34 rooms tested would satisfy the NSL guideline.
- 14.23 Similarly to Cleland House, the 5 windows that do not meet the BRE VSC guidelines (between 21% and 26% loss, i.e. minor loss), are set beneath deck access balconies and when tested without this limitation, using the additional BRE test, the effect satisfies the guidelines. Therefore, the balcony contributes a significant part in the effect on daylight. The Council's assessors therefore conclude that the proposed development would not cause an unacceptable material deterioration in daylight to this building.

Roseberry House

- 14.24 69 habitable rooms served by 85 main windows have been assessed. 73 of 85 main windows would satisfy the VSC guidelines and 68 of 69 rooms tested would satisfy the NSL guideline.
- 14.25 Of the 12 VSC main window transgressions, their relative losses would be minor for 5, moderate for 4 and major for 3. Of these 12, 4 would retain a good VSC value for an urban area (23.8% VSC and above) and the other 8 are all inset into the elevation, with blinkering walls either side and balconies above. The additional BRE test with the window repositioned to the plane of the main window wall would

result in 7 of the 8 satisfying the BRE guidelines, and the 8th being very slightly beyond the guideline (20.96% loss), but with a retained VSC value of 24.1% which would be reasonable for an urban area.

- 14.26 The sole NSL transgression is a recessed room at ground floor level, which would still retain good daylight distribution (74.6% of its area, i.e. minor loss) with some light penetrating right to the back of the room.
- 14.27 The Council's assessors therefore conclude that where there would be some daylight transgressions, the recessed nature of the windows concerned is a greater factor in the relative light loss and that overall the proposed development would not cause an unacceptable material deterioration in daylight to this building.

Sankey House

- 14.28 40 habitable rooms served by 55 main windows have been assessed at this property. 25 of 55 main windows would satisfy the VSC guidelines and 30 of 40 rooms tested would satisfy the NSL guideline
- 14.29 Of the 30 main window VSC transgressions, which serve 28 rooms, their relative losses will be minor for 18, moderate for 5 and major for 7. Of the 28 rooms affected, 16 are kitchens, positioned underneath balconies (four per floor, from ground to third floor levels) and would retain relatively low VSC values in the proposed condition. The other 12 are living rooms, partially underneath projecting balconies of which 9 will retain reasonable VSC values (in excess of 20% VSC) and the other three (all at ground floor level) would retain VSC values slightly below 20% at between 19.0% and 19.8% VSC.
- 14.30 Of the 10 NSL transgressions, their relative losses would be minor for 5, moderate for 3 and major for 2. 6 are at ground floor level (3 living rooms and 3 kitchens) with between 24% and 47% loss and 4 are at first floor level (two kitchens and two living rooms) with between 21% and 32% loss.
- 14.31 The additional test with the balconies removed, as suggested in the BRE guidelines, shows a better level of adherence to the guidelines and better retained values. In this scenario:
- 10 windows would not meet the VSC guidelines, with minor losses of between 21% and 24% loss, but would retain good VSC values of between 25% and 27% VSC.
 - 7 rooms would not satisfy the NSL criteria with the balconies removed, but would retain a reasonable view of sky of between 58% and 75% of the room area.
- 14.32 The Council's assessor therefore concludes that whilst there would still be some daylight transgressions if there were no balconies blinkering the view of sky, these would not, in their view, be regarded as out of the ordinary for development in urban areas such as this. Therefore, in the assessors' opinion the proposed development would not cause an unreasonable impact on daylight and sunlight amenity to these properties when assessed against BRE guidelines.

The Vicarage

- 14.33 12 rooms served by 14 windows have been assessed. 11 of 14 windows tested would satisfy the VSC guideline and 11 of 12 rooms tested would satisfy the NSL guideline.

- 14.34 The 3 VSC transgressions are considered by the Council's assessor to be minor relative losses. One is a glazed fanlight above an entrance door and the second is the adjacent window, which is believed to serve an entrance hall. The third serves a dual aspect room whose windows will retain 25% and 26% VSC respectively, close to the 27% VSC guideline. None of these three spaces will experience any impact on NSL.
- 14.35 The sole NSL transgression is a minor one (22% loss) and the room would remain well lit, with 29% VSC and 74% of the room within the NSL.
- 14.36 The Council's assessors therefore concludes that the proposals would not cause an unacceptable deterioration in the levels of daylight at this property

Pomeroy House

- 14.37 36 rooms served by 36 windows have been assessed at this property. 35 of 36 windows tested would satisfy the VSC guideline and all 36 rooms tested would satisfy the NSL guideline. The sole VSC transgression is a minor (21%) relative loss. The Council's assessor concludes that the impact on this property would be almost in full compliance with the BRE guidelines and as such there would not be a material loss in daylight to this property.

76 to 116 (evens) Bonner Road

- 14.38 124 habitable rooms served by 142 main windows have been assessed in this terrace of properties
- 14.39 140 of 142 main windows tested would satisfy the VSC guideline and 114 of 124 rooms tested would satisfy the NSL guideline. Of the 2 VSC window transgressions, their relative losses would both be minor and only very marginally breach the guideline (20.05% and 20.87% loss respectively). Of the 10 NSL room transgressions, their relative losses would be minor for 5, moderate for 2 and major for 3. Apart from 2 minor losses that are at first floor level, the remaining 8 all occur at lower ground floor level. Of these, 3 are minor (24.7%, 24.2% and 28.7% loss to Nos. 104, 90 and 102 respectively), 2 are moderate (34.8% and 37.8% loss to No. 92 and 94) and 3 are major (42.1%, 41.5% and 40.3% loss to Nos. 96, 98 and 100 respectively). The effects on the depth of daylight penetration into these lower ground floor rooms would be noticeable, more so where the relative losses would be moderate or major. However, their main windows would retain good VSC values (25% to 29% VSC) and the total area of glazing from the three tall sliding-sash windows in each bay is quite generous. Consequently, the Council's assessor concludes that none of these rooms should be left poorly lit as a consequence of the proposed development

Sunlight Analysis

- 14.40 In terms of sunlight the scheme would have negligible impact upon the following properties:- Reynolds House, 41 Sewardstone Road, Goodrich House, Pomeroy House and 76-116 Bonner Road.

Cleland House

- 14.41 31 of 34 rooms tested are fully adherent to annual and winter sunlight guidelines. The remaining 3 are minor to major losses but would satisfy the guidelines were it not for the projecting balcony and dividers. The Council's assessor therefore concludes that the proposals would not cause an unacceptable material deterioration in sunlight to this building

Roseberry House

- 14.42 66 of 69 rooms tested for sunlight are fully adherent to annual and winter sunlight guidelines. The remaining 3 are minor to major losses but the windows are all recessed into the façade beneath balconies and if the windows were on the same plane as the main window wall, they would satisfy the guidelines. The Council's assessor therefore concludes that the proposals would not cause an unacceptable material deterioration in sunlight to this building

Sankey House

- 14.43 32 of 40 rooms tested for sunlight are fully adherent to annual and winter sunlight guidelines. All 8 of the failures are kitchens, which the BRE guidelines advise are less important than living rooms and the losses range from minor to major. All 8 sit beneath projecting balconies and consequently only 2 of the 8 transgressions are for both annual and winter sunlight, whereas 6 are just for annual sunlight (because the balcony obstructs the view of sky at higher altitudes, where the sun is more likely to shine in the summer). All of them would satisfy the guidelines were it not for the projecting balcony above.

- 14.44 The Council's assessor therefore concludes that the retained sunlight levels would not be unreasonable for an urban area given the presence of the balconies.

The Vicarage

- 14.45 8 of 10 rooms tested for sunlight are fully adherent to annual and winter sunlight guidelines. One of the transgressions (annual and winter) is to a glazed fanlight in a first floor entrance door at the top of an external metal staircase and the other (winter only) is to the adjacent window. Whilst they are large relative losses of winter sunlight, the absolute losses are small and the window would retain very good annual sunlight (34% APSH), which is well above the guideline. The immediately adjacent projecting main front wing of the building is a material factor in the relative loss of sunlight.

- 14.46 The Council's assessors therefore conclude that the proposals would not cause an unacceptable material deterioration in the levels of sunlight to this building.

Concluding remarks on daylight/sunlight

- 14.47 The proposed development would result in a number of transgressions of the BRE's standard numerical guidelines as summarised in the table overpage.

Table 5 – Impacts on daylight/sunlight - percentage adherence to BRE default target values

TEST	ADHERENCE TO DEFAULT BRE TARGETS	TRANSGRESSIONS OF BRE TARGETS		
		SMALL IMPACT (20-30% loss)	MODERATE IMPACT (30-40% loss)	LARGE IMPACT (>40% loss)
VSC	86.3%	9.1%	2.4%	2.2%
NSL	94.8%	3.0%	1.1%	1.1%
APSH	95.3%	1.2%	1.8%	1.8%
WPSH	95.6%	0.6%	0.6%	3.2%

- 14.48 However, in most instances, the view of sky to the relevant windows and rooms is self-limited by overhanging balconies and/or adjacent projecting walls, which blinker the view of sky. In accordance with the guidelines, an additional assessment has been undertaken that discounts the aforementioned balconies and projections, the results of which show that without such limitations the impacts of the revised proposed development would be very largely BRE adherent and any remaining transgressions would be relatively few in number and magnitude. This demonstrates that the self-limiting features of the neighbouring buildings are a material factor in the daylight and sunlight transgressions.
- 14.49 Based on the results of the assessment against the BRE standard numerical guidelines and the additional assessment with the project balconies and wings removed, it is considered that the proposed development would not result in an unacceptable impact on daylight or sunlight to the existing surrounding residential properties or on sunlight/shadow to any surrounding amenity spaces. Whilst some of the daylight/sunlight levels in the proposed condition would be lower than the BRE standard target values, the impacts are considered acceptable in an urban location such as the application site. Furthermore when due consideration that with the exception of the main hospital building (that is set well away from the site boundaries) the existing buildings on site are low storey (single storey ad hoc buildings) or in the case of the nurses accommodation (set parallel to St James Avenue) only 3 storeys that inevitably means any proposed additional height set closer to the street edge will result in viloss of reduction significant

Privacy, outlook and enclosure

- 14.50 As stated earlier in this report the scheme would not give rise to privacy issues to surrounding properties. The closest relationship with a neighbouring building would be to the north of the site, with a minimum gap of 19m between the corner of Block G and Southerby Lodge (41 Sewardstone Road). To the east of the site, there would be a 29m gap between the Block F and Roseberry House, a 25m separation between Block C and Sankey House and a 21m gap between Block A and the St James the Less Vicarage. To the south of the site the distance between Block A and the Bonner Road terrace would be a minimum of 24m with the gap between Block B and the same terrace being a minimum of 28m.
- 14.51 In respect of sense of enclosure and the development being overbearing to residential neighbours, the set back of the buildings from the edge of the site – as detailed in the urban design Section of the report – would reduce the overbearing nature of the proposed buildings on the residential properties facing the development. There is concern about the impact of the 8 storey Block on surrounding occupiers given the minimum separation distance of 19m, however,

taken overall the scheme is not considered unduly overbearing in residential amenity terms to neighbouring residential buildings.

Noise, vibration and air quality

- 14.52 The effects on the noise, vibration and air quality during the construction and operational phases of the development are assessed elsewhere in this report.

Conclusion

- 14.53 The proposal has been developed so it adequately takes account of neighbouring properties' amenity and accords with the aforementioned policy.

15.0 Trees

Site wide

- 15.1 Policy DM24 of the Tower Hamlets Managing Development Document requires that development take into account the natural environment and protect features of positive value within a site. Policy 7.21 of the London Plan states that *'existing trees of value should be retained and any loss as the result of development should be replaced following the principle of 'right place, right tree', and that 'wherever appropriate, the planting of additional trees should be included in new developments, particularly large-canopied species.'*
- 15.2 The site is characterised by a strong green perimeter with mature canopy cover on all three sides of the site. Predominant species on the site include London Plane, Lime and Cherry Trees. The high amenity value of the trees on site resulted in the formation of a Tree Preservation Order (TPO) in 1973. This TPO covers 39 trees within the site. Additionally, given the site's location within the Victoria Park Conservation Area, trees with a trunk diameter of over 75mm (at 1.5m above ground level) located within the site and not subject to the TPO, are also subject to statutory protection.
- 15.3 The proposals would result in the removal of 27 trees, 2 groups and 3 stumps would be removed in order to facilitate the proposed development. Of these, 23 trees and 1 group would be removed in order to directly facilitate the construction of the new building blocks and the 4 trees and 1 group would be removed to facilitate landscaping works, including 11 trees subject to the TPO
- 15.4 11 Trees subject to the TPO would be removed. These are 2 x Sycamores (T2 & T78), 2 x London Planes (T4 & T26), 2 x Holly (T20 & T79), 1 x Lime (T33), 1 x Tulip Tree (T35), 1 x Tree of Heaven (T51), 1 x Holm Oak (T52) and 1 x Maple (T80).
- 15.5 The proposals to trees on the site are supported by an Arboricultural Development Report which includes a Tree Survey of the site. The findings of this report have been assessed by the Council's Tree Officer and it is concluded the loss of a London Plane (identified as T26 London Plane, located towards the southeast edge of the site) is acceptable as the tree is in declining health. The replanting scheme would involve nonet loss of London Plane tress on site. Previously the scheme involved the loss of a Lime tree identified as T22 but the footprint of the proposed building development has been amended to take account of this tree and this will enable the tree to be retained which would aid maintaining mature cover along this boundary, which officers welcome. Officers recognise the existing tree

canopy contributes significantly to the landscape setting of the hospital building and to the broader character of the conservation area, perhaps most notably in creating a well defined avenue of trees leading to Victoria Park from Approach Road. The proposed tree planting along the boundary of Approach Road and St James's Avenue would be made up of semi-mature 'instant impact' trees with a DBH of 20-25cm and an approximate height of 4.5-5.5m when planted.

- 15.6 With regard to the initial originally limited separation between the proposed build and mature tree canopies, amendments have been provided to the footprint of the new buildings to ensure that more provision has been given to the distances between the proposed build and mature tree canopies. Although some facilitation pruning will still need to be carried out the Tree Officer is of the conclusion the space provided for the maintained canopy of trees is acceptable.
- 15.7 To mitigate against the loss of the 27 existing trees on site, the scheme would plant 21 standard to semi-mature trees and over 20 smaller ornamental trees. This tree planting strategy would more than compensate numerically to the proposed loss of existing trees entailed by the scheme and has satisfied the tree officer would more than adequately mitigate against the loss of existing tree canopy cover along the site boundaries, including along the length of St James's Avenue where the loss of existing trees has raised particular concerns from a number of residential neighbours.

Mulberry Tree

- 15.8 The Black Mulberry Tree, which is subject of the 1973 Tree Preservation Order, sits within the site to the north of the main hospital building.
- 15.9 Competing theories exist as to the age and provenance of the tree in situ. Any definitive statements about its age or genetic origins would only be possible through invasive study.
- 15.10 Notwithstanding this uncertainty, the site has a long association with Mulberry Trees dating back to the occupation of the site by Bishop Bonner (mid to late 16th Century). As alluded to above, it is unclear whether the existing tree is the same as that present in the 16th Century, or whether it is in fact a descendent of this tree, or otherwise.
- 15.11 What is not in dispute is the tree's presence at the site during and prior to WWII. The tree is documented to have survived WWII bomb that destroyed that the Chapel that previously stood next to it as shown in the images below.

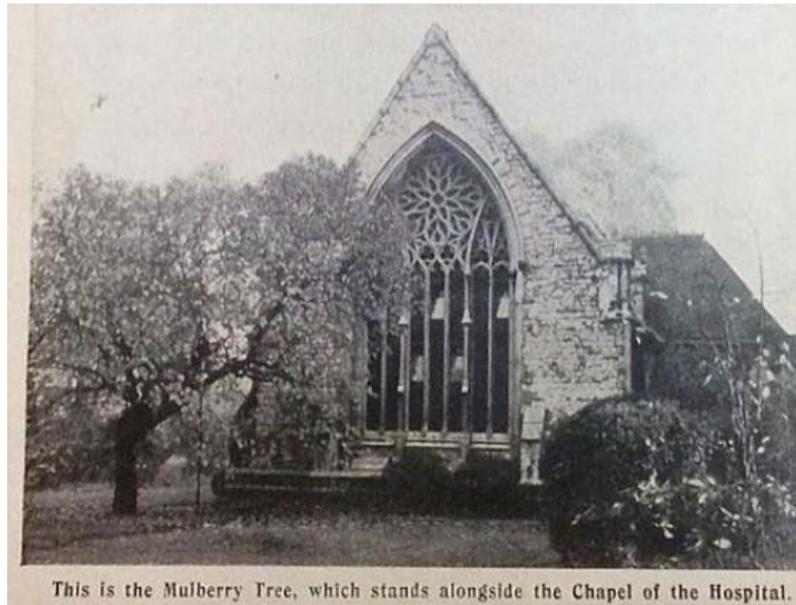


Figure 32: Taken from 1930s fundraising pamphlet for the hospital



Figure 33: Bomb damage to the Mulberry Tree with the bomb damaged Chapel and North Wing to the rear.

- 15.12 Given the historical association of a Mulberry Tree at the site, and the trees survival following significant bomb damage during the blitz, the tree has gained significant cultural and historical importance. On this basis it is considered that the tree warrants classification as a Veteran Tree as per joint Standing Advice published Natural England and the Forestry Commission in October 2014.
- 15.13 The tree officer considers the Mulberry Tree has significant local and national importance. This is evidenced by the overwhelming number of objections to this tree's transplantation from local residents, professionals and by the Woodland Trust who have placed this tree on their Ancient Tree Inventory; a register mapping and providing information on Ancient, Veteran and Notable trees across the UK.

- 15.14 This tree meets a number of the criteria for a veteran tree (Standing Advice 2014) and can be considered both an ‘aged’ and ‘veteran’ tree.”
- 15.15 The National Planning Policy Framework (NPPF) defines aged or veteran trees as those which, because of its age, size or condition is of exceptional value for wildlife, in the landscape, or culturally. The Tree Officer considers the following are applicable to the Mulberry Tree:
- *Importance as a repository of genetic information from many centuries past*
 - *Its role in providing local distinctiveness, structure and interest to landscapes*
 - *The historical and cultural link it provides to past generations and communities*
- 15.16 Paragraph 175 of NPPF, sub-section (c) deals with aged and veteran trees and states:
- *“Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists”*
- 15.17 The proposals for the site include the relocation of the Mulberry Tree from its current location to the north of the site, to a position located centrally within the front lawn. The relocation strategy has been detailed in a Technical Note prepared by Aspect Arboriculture and involves the translocation of the tree and root system, without a requirement to prune any of the root system, via use of a bespoke scaffold structure. Works to determine the root area have already been partially undertaken with the use of a Ground Penetrating Radar. Were permission granted, further works to definitively determine the root area would be undertaken by means of a non-invasive air spade investigation; this would be secured by way of a condition.
- 15.18 The Technical note and proposals to relocate the tree have been assessed by the Council’s tree officer who has concluded the applicant has provided a robust methodology for transplanting the Mulberry Tree and it is considered the methodological approach proposed by the applicant could not be readily improved over that which is set out in the applicant’s submitted Technical note.
- 15.19 The applicant has provided several case studies of Ruskin’s Trees and Landscape Ltd (the appointed specialist contractor for undertaking the relocation) successfully transplanting other mulberry trees.
- 15.20 The Technical note also express a professional opinion that the Mulberry Tree in the existing setting which includes a current absence of good husbandry “*it would be reasonable to expect the tree to fail of its own accord within a decade*”; consistent with BS5837 (2012) Table 1 timeframes for trees “that demonstrate, serious irredeemable defect, such that their early loss is expected due to collapse.....” The Mulberry Tree presently depends on a prop to remain upright.
- 15.21 The applicant as a precautionary measure, should the Mulberry Tree not survive relocation, has already undertaken nine successful cuttings of this tree (one planted directly into compost, the other eight grafted to White Mulberry root stock). These cuttings would maintain the Mulberry Tree’s genetic continuity on site, by

future replanting of one or more of the cuttings back on site when they have grown bigger and return from their nursery environment.

15.22 The Borough tree officer does consider that transplanting the Mulberry Tree presents a risk of fatality, due to the structural condition of this tree and that distinguishes this tree from the case studies referenced by the tree contractor that are understood to be related to trees in better health – hold greater vigour. The tree officer concludes on the balance of probabilities there is a greater likelihood the Mulberry Tree would survive than not, yet there remains a fair chance the tree might not survive. This probability of loss needs to be measured against the NPPF's test for veteran trees to determine whether or not the Mulberry tree should be transplanted;

15.23 The tree officer also states:-

"It is also worth noting that due to the Mulberry trees cultural value I believe it to have a BS5837 category of A3 - Trees, groups or woodlands of significant conservation, historical, commemorative or other value."

15.24 Notwithstanding the above detailed implications of the proposed relocation, it is accepted by officers, including that of the tree officer, that the tree is currently located in a somewhat marginalised part of the site, surrounded as it is by piecemeal post-war development without the opportunity to gain sight of the tree from the street or the general public realm. The proposed location would be preferential in terms of giving the tree a fitting location on the site with an ability for public to readily see and appreciate it set within the main front lawn to the site, which will be secured by section 106 legal agreement, as public realm open space should the scheme gain consent.

15.25 Nevertheless, as outlined in the tree officer's assessment above, there is a possibility that the tree would not survive the relocation process. It is important to note that this conclusion is not reflective of any methodological deficiencies identified in the proposed strategy, but instead is reflective of the unavoidable risks associated with seeking to relocate this tree.

15.26 Paragraph 175 of the NPPF states that planning permission should be refused for development resulting in the loss of aged or veteran trees, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

15.27 Whilst the public benefits deliverable through the scheme are not wholly exceptional, the survival of the tree and its relocation to an area of improved public access would be a positive outcome of the planning application. Consequently, the high threshold of the test in paragraph 175 of the NPPF is not considered directly applicable in this instance. In addition, the public benefits arising from the scheme, in particular the significant addition of housing and affordable housing to the stock of housing within the borough, are considered, on balance, to outweigh the potential loss of the Veteran Mulberry Tree. Maintaining the Mulberry Tree in its existing location would severely curb the opportunity to gain residential development in this northern corner of the site with likely significant implications on the viability of any prospective alternative residential redevelopment scheme for the site.

16.0 Highways and Transportation

- 16.1 The NPPF and Chapter 6 of the London Plan seeks to promote sustainable modes of transport and accessibility and reduce the need to travel by car, with transport demand generated by new development to be within the relative capacity of the existing highway network.
- 16.2 Policy SP08 and SP09 and Policy DM20 of the adopted Local Plan together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development does not have an adverse impact on safety and road network capacity, requiring the assessment of traffic generation impacts and also seeking to prioritise and encourage improvements to the pedestrian environment. Policy DM22(2) of the Managing Development Document (2013) and Policy SP09 of the Core Strategy seek to ensure that developments located in areas of good public transport accessibility are secured as 'permit free' and have no on-site car parking
- 16.3 London Plan (2016) also promotes 'car free' development in areas with good access to public transport, whilst still providing for disabled people.

Vehicular Access to Site

- 16.4 The site's vehicular access would be through the existing entrance on Bonner Road with vehicles using the existing semi-circular drive way to the front of the hospital building and exiting via the Approach Road gate. A concierge would be located adjacent to the Main Hospital Entrance so as to assist with any deliveries. This would mirror the previous vehicle access to the site.

Car Free and accessible parking

- 16.5 Both residential and non-residential elements of the scheme would be car free, as secured by legal agreement, save for the 9 accessible parking bays allocated for Blue Badge holders. These 9 bays would be located at either end of the vehicular driveway. Electric charging points to London Plan Standards - 20 per cent active, 20 per cent passive – are required to be secured through condition.

Servicing

- 16.6 The majority of servicing is planned to take place within the site via the proposed internal road link between Approach Road and Bonner Road. The concierge office located within the hospital building would manage all deliveries associated with the residential units. The non-residential D1 Use will be serviced on-street from St James's Avenue subject to local parking restrictions.
- 16.7 Refuse collections would take place on street with the majority taking place along St James's Avenue. Highway works associated with changes required to facilitate the servicing of the site, including two additional dropped kerbs for means of access to new sub-stations, would be funded by means of legal agreement. The introduction of servicing along St James's Avenue would result in a reduction of three residents' parking spaces. The Council's parking officer has confirmed that there would be scope to introduce additional resident's parking spaces at other points along Approach Road and Bonner Road, along with the possibility of changing pay and display bays to residents parking bays. The associated cost of the survey and consultation work required would be covered by the applicant through a financial contribution.

On Street Parking

- 16.8 Local residents have raised issues regarding the development and its potential to increase parking stress on the surrounding streets. The proposed 'Permit Free' clause within the Section 106 agreement would control, to a major extent, the ability for new residents to park on the street during the controlled parking zone hours. If a resident in the development owns a car which they use for work it is possible that could park on streets outside of those hours (as is the case for anyone not owning a permit who wishes to visit the area). There are also pay and display bays in the surrounding streets which may have been used for visitors to the hospital. These allow non-permit holders to park for a limited number of hours. In light of the concerns of residents a section 106 financial contribution is sought to investigate changes to the current controlled parking zone in terms of hours of operation or amendments to the type of bay so as to allow for more permit only use. Both of these options would restrict the ability of residents of the new development to increase parking stress on the surrounding streets. However, visitors to Victoria Park undoubtedly also park in this area and any changes to the current parking regime may have an unintended negative effect on this visitor parking for users of Victoria Park.

Pedestrian Environment

- 16.9 The applicant has undertaken a pedestrian audit of the areas surrounding the site and discussed the potential need for highways improvements in the surrounding area. The Council's highways team have suggested improvements are necessary to the junction of Old Ford Road at the south of the site and at the north of the site along Sewardstone Road adjacent to the entrance to Victoria Park. The Council would seek a contribution to cover the cost of these works, though this has not been agreed by the applicant.

Cycle Parking Provision

- 16.10 The proposed cycle provision would equate 474 secure and sheltered spaces for the residential units. These would be located below the courtyard spaces to the rear of the hospital and would be accessible via cycle channels within stair cores. Cycle parking provision would include 10 per cent 'Sheffield' stands, with remainder as double stacker parking.
- 16.11 Whilst the overall provision would meet adopted London Plan standards, provision of accessible Sheffield stands would ideally be higher. The D1 use would have its own dedicated cycle storage area at ground floor level
- 16.12 During the course of the application, TfL enquired as to the availability of land and funding for the provision of a Transport for London Cycle Hire Docking Station. TfL have however subsequently accepted that the constraints of the site would not be suitable for use for docking station.

Bus services

- 16.13 The Bonner Road includes bus stand historically relied upon toilet facilities within the former hospital and with the hospital now closed these facilities are no longer available. The provision of facilities has a significant impact on the ability of the bus operators to recruit and retain staff, especially female employees as well enabling a reliable bus service. There is however a commitment on the part of the

applicant to provide an on-site facility for bus drivers which would be secured through a Section 106 agreement.

Travel Plan

- 16.14 A draft Travel plan has been submitted and this is welcome. A full Travel Plan will be required through the Section 106 agreement. A separate Travel Plan for the D1 use will also be required..

Service Management Plan

- 16.15 A full Service management Plan will be required as a condition to any planning permission which may be granted. This must be submitted by the applicant and approved by the LPA / HA prior to any occupation.

Construction Management Plan

- 16.16 The applicant is required to submit a robust Demolition and Construction Management Plan. This would be secured by way of pre-commencement condition From the highways and transportation perspective this must look at the scheme in terms of traffic and provide details of how the works would affect the local area through the demolition and build phases of the development, including details of the mitigation to be taken to reduce the impact on local residents and other users of the public highway, particularly pedestrians and cyclists.

17.0 Striking the Planning Balance

- 17.1 The local planning authority has a statutory obligation under Sections 66 (1) and 72 (1) of the Planning (Listed Building and Conservation) Acts 1990 to the conservation of designated heritage assets. In accordance with the aforementioned Act, paragraph 193 of NPPF sets out that “great weight” should be given to protection of designated assets, “irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”.
- 17.2 As set out Section 12 of this report concerning the heritage assessment of the scheme, officers concluded the scheme would result in less than substantial harm to designated heritage assets. Upon that basis it falls upon the Council, as decision-maker to this submitted scheme to apply a public benefit planning balance test, as set out in paragraph 196 of NPPF.
- 17.3 Paragraph 196 of NPPF states “*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*”

The key public benefits of the proposed scheme would be:

- a. Heritage benefits derived from bringing back the retained listed hospital structures into use, thereby securing the future conservation of the designated asset;
- b. Heritage benefits gained from the return and restoration of original built features to the main hospital building including provision of new wooden

window casements, restoration of the Victorian cast iron veranda, a resizing and re-arrangement of the front dormer features - to better match the historic arrangement;

- c. Delivery of 291 new homes;
- d. Provision of 35% of the residential accommodation as affordable housing (by habitable room) with the affordable rented units provided in accordance with the Council's preferred product mix (namely 50% London Affordable Rent and Tower Hamlets Living Rent);
- e. Provision of a D1 space designed such that it would be readily capable of serving as a children's nursery to serve the local community, or the assigned space to function as another type of (D1 Use Class) non-residential institution for the community;
- f. Securing by legal agreement, in perpetuity, public access to the site open space specifically the front lawn area;
- g. Relocation of the Mulberry Tree to the front lawn would serve as a tangible public benefit given the tree is imbued with such cultural and historical significance to the site and the local area and yet is presently not visible from the street or the public realm more generally;
- h. Demolition of a set of post war buildings on site that detract from the setting of the listed building and the character of the conservation area to be replaced with new buildings that offer some architectural merit (as set out Section 11 of the report) that would visually benefit the locality.

17.5 In assessing the key public benefits officers recognise bringing the main hospital building and the site more generally back into an operational use, would be a major positive outcome. An informative with regard to this public benefit consideration is Historic England Advice Note 2 ("Making Changes to Heritage Assets" which sets out "*The best way to conserve a building is to keep it in use, or to find it an appropriate new use if it has passed out of use, either that for which it was designed or an appropriate new use which would see to its long-term conservation. Even recently restored buildings that are vacant will soon start to degenerate.*"

17.6 The Borough has a five-year supply of deliverable housing land, and a track record of delivering significantly more new homes than any other London borough over the last ten years. Nevertheless the scheme's provision of new housing is recognised to be a public benefit that needs to be given very significant weight given London is considered (as set out in London Plan) to operate as a single housing market with an existing housing supply shortfall.

17.7 With respect to the provision of affordable housing, the public benefits are clear with the scheme set to deliver a quantum of affordable housing consistent with the 35% to 50% target set in the development plan. This level of delivery of affordable housing set within the context of a site with such a degree of heritage constraints/sensitivities is a significant outcome.

17.8 Within Chapter 12 of the NPPF concerned with "achieving well designed places", an obligation is placed upon decision-makers when determining planning decisions to ensure new developments "*optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development*" (Paragraph 127). This

requirement on decision makers is echoed again in Chapter 16 (the NPPF chapter dealing expressly with concerning conserving and enhancing the historic environment) in Paragraph 196 of the NPPF when it sets out that the public benefit associated with “*securing optimum viable use*” also applies to a scheme that will lead to less than substantial harm to a designated heritage asset.

- 17.9 In summary, officers conclude on-balance the scheme would deliver public benefits that outweigh the identified resultant harm arising from the scheme.
- 17.10 Officers in arriving at this conclusion on the planning balance do not seek to diminish the degree of harm the proposed development would incur to designated assets, including partial demolition of significant elements of the hospital cited in Historic England’s listed description.
- 7.11 The proposed scheme would provide an opportunity and a secure mechanism (through planning conditions) to actively manage and maintain the large number of trees on-site that for some time have been not managed. This aspect of the scheme of itself would provide a visual public benefit to the neighbourhood and go towards improving the visual appearance of the conservation area alongside serve as an ecological benefit.

OTHER CONSIDERATIONS

18.0 Noise and Vibration

- 18.1 The application supporting documentation includes an Environmental Noise Assessment and a Demolition Noise Assessment. The Environmental Noise Assessment provides results of background noise and vibration monitoring that was carried out at various locations surrounding the site.
- 18.2 The Demolition Noise Assessment reviews the noise and vibration impacts to surrounding properties of the scheme during the estimated 20 week demolition phase, including from plant and vehicle movements. With appropriate mitigation secured by condition the residual effects of noise and vibration due to demolition and construction are considered to be acceptable.

End Occupation Phase

- 18.3 The submitted assessment details the level of attenuation that will be required in order to ensure that the new homes within the scheme meet residential standard of British Standard BS8233:2014.
- 18.4 To conclude, subject to application of appropriate planning conditions, it is considered that the proposed development would adequately protect neighbouring residents and building occupants including future residents within the development from undue noise and vibration disturbance, in accordance with Policy SP10(4) of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013).

19. Air Quality

- 19.1 Policy SP03 of the Core Strategy suggests air quality improvements will be addressed by continuing to promote the use of public transport and reduce reliance

on private motor vehicles and introducing a 'clear zone' in the borough. Policy DM9 of the Managing Development Document (2013) also seeks to improve air quality within the Borough, and outlines that a number of measures would contribute to this, such as reducing vehicles traffic levels, controlling how construction is carried out, reducing carbon emissions and greening the public realm. The application site, as with the entire borough, lies within an Air Quality Management Area.

- 19.2 The application supporting documents include an Air Quality Assessment that reviews the scheme's air quality implications at end phase and during the construction and demolition stage.
- 19.3 Concerns have also been raised the Council's Air Quality Officer in respect of nitrogen oxide (NOx) emissions of the proposed boilers. All boilers must be ultra-low NOx. Were consent granted a planning condition would be sought to mitigate these impacts.
- 19.4 The submitted assessment concludes that there is a high risk of dust impacts during construction phase, owing to the close proximity of a high number of residential units near the site, and mitigation measures would need to be put in place to curb these potential air quality impacts.
- 19.5 The development will be car free, this is welcomed in regards to air quality and hence there would be no significant impacts from the development on the local air quality.
- 19.6 In respect of the proposed D1 unit, the assessment shows that that the NO2 air quality objective may be exceeded on its southern façade and therefore, as recommended in the assessment, ventilation must be installed with the location of the inlet carefully considered to avoid the highest pollution levels.

20.0 Land Contamination

- 20.1 In accordance with the requirements of the NPPF and policy DM30 of the MDD, the application has been accompanied by a land contamination assessment contained. It assesses the likely contamination of the site as well as approaches to construction piling.
- 20.2 The Council's Environmental Health Team have reviewed the submitted assessment, and advises that subject to condition requiring investigation to identify the extent of potential contaminated land and agree a remediation strategy should it be required there are no objections to the scheme on grounds of land contamination.

21.0 Flood Risk & Water Resources

- 21.1 The NPPF, Policy 5.12 of the London Plan, and Policies DM13 and SP04 of the Borough Local Plan relate to the need to consider flood risk at all stages in the planning process. Policy 5.13 of the London Plan seeks the appropriate mitigation of surface water run-off.
- 21.2 A flood risk assessment has been submitted in support of the application. The prepared assessment considers the proposed development represents no risk in terms of flooding.

21.3 Subject to relevant conditions the proposal would be acceptable with regard to flood risk, sustainable drainage, sewerage and water supply and use and as such accord with relevant policy and guidance as set out in NPPF, Policies 5.12, 5.13 of the London Plan, Policies SP04 and DM13 of the Borough adopted Local Plan.

22.0 Energy and Sustainability

22.1 The NPPF sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change.

22.2 The climate change policies as set out in Chapter 5 of the London Plan 2015 and the Policies SO24 and DM29 of the Local Plan collectively require new development to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.

Proposed carbon emission reductions

22.3 The submitted Energy and Sustainability Statement (May 2018) details how the design has sought to reduce emissions through the energy hierarchy and deliver emission reduction through energy efficiency measures, use of an onsite and renewable energy technologies (PV array). The proposals are anticipated to achieve site wide CO2 emission reduction.

22.4 The Energy Statement identifies that the site will be served by a single energy centre located in the North block that will feed the entire site. The proposals will include CHP plant equipment and communal boilers to meet the peak loads for space heating and hotwater. The CHP sizing is identified as 60kWe with the details of the plant room layout and schematic to serve the site provided in appendices C and D of the energy statement. The PV array is identified in appendix E and show a total of 266 PV panels proposed with a peak output of 79.8kw.

Carbon offsetting

22.5 The Planning Obligations SPD includes the mechanism for any shortfall in CO2 to be met through a cash in lieu contribution for sustainability projects. The submitted energy strategy identifies the shortfall to meeting zero carbon for the residential elements of the scheme.

22.6 It is proposed that the shortfall in CO2 emission reductions will be offset through a cash in lieu payment of £340,506 would be secured through the Section 106 agreement.

Sustainability

22.7 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 non-residential development to achieve BREEAM Excellent.

22.8 The Submitted BREEAM pre-assessment identifies that the scheme has been designed to achieve an 'Excellent' rating with a score of 72. This is supported and the submission of the final BREEAM certificate to demonstrate delivery would be secured by planning condition.

Summary and securing the proposals

22.9 The current proposals have sought to implement energy efficiency measures and renewable energy technologies to deliver ab site wide reduction in CO2 emission of 44.87%. Subject to Conditions securing the delivery of the approved energy strategy and the CO2 emission reduction shortfall being met through a carbon offsetting contribution, the proposals would be considered in accordance with adopted policies for decentralised energy, integration of renewable energy technologies and emission reductions.

22.10 To conclude the scheme complies with Chapter 5 of the London Plan and Policy DM29 of the Local Plan subject to the imposition of appropriate planning conditions/planning obligations to deliver the on-site savings and the off-site emission reduction proposals.

23.0 Ecology and Biodiversity

23.1 The loss of the 27 trees, as outlined in Section 15 of the report, along with shrubbery and laurels along the perimeter of the site would result in a small loss of biodiversity. Nevertheless, the proposed landscaping plans have the potential to result in net biodiversity gains on the site.

23.2 The Council's Biodiversity Officer states that the proposed uplighting of the perimeter trees, particularly along the southern and western edges of the site should be reconsidered owing to the potential to disturb foraging bats which were recorded in the emergence surveys.

23.3 Subject to a number of conditions, including further bat surveys, the Council's Biodiversity Officer is content that the scheme is capable of serving to improve the ecology and biodiversity value of the site as sought by the relevant London and Local Plan policies.

24.0 Waste and Recycling

24.1 Core Strategy Strategic Objective SO14 is to manage waste efficiently, safely and sustainably minimising waste and maximising recycling. Policy SP05 'Dealing with waste' implements the waste management hierarchy - reduce, reuse and recycle. Policy DM14 of the Local Plan 'Managing Waste' requires development to demonstrate how it will provide appropriate storage facilities for residual waste and recycling.

24.2 The proposed central and northern residential buildings, those containing Blocks C, D, E, F and G, would have two separate bin storage areas at ground level. In the case of the main building the bin storage area would be at lower ground floor level and accessible to residents by lift. There would also be a dedicated bin storage area for the D1 use located at ground floor level.

24.3 In the case of the southern building, there are two internal bin stores at ground floor level and a third external bin store located to the south of Block B. The external bin store has been added following the July 10th amendments to the scheme, and is required so that the bin stores for all residents are within an acceptable walking distance.

- 24.4 The majority of the dedicated bin stores would be within close proximity of the site boundary allowing for ease of collection for waste operatives. The bin store in the main building and the internal and external stores for Block B within the southern building are set away from the street and as such management arrangements are to be put in place whereby refuse bins are moved to a temporary storage area on collection days so as to enable collection by waste operatives
- 24.5 Were consent granted a detailed waste management plan would be required to manage times of collection, minimise on street disruption and to ensure timely rotation of residential bins at time of collection to avoid collection delays.
- 25.0 Planning obligations, socio economic effects and impact upon local infrastructure/facilities**
- 25.1 Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's Planning Obligations SPD (2016) sets out how these impacts can be assessed along with appropriate mitigation measures.
- 25.2 The NPPF requires that planning obligations must be:
- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and,
 - (c) Fairly and reasonably related in scale and kind to the development.
- 25.3 Regulation 122 of the CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.
- 25.4 Securing necessary planning contributions is further supported Core Strategy Policy SP13 'Planning obligations' which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development. This is explained in the Council's Draft Planning Obligations SPD that sets out the borough's key priorities:
- Affordable Housing
 - Employment, Skills, Training and Enterprise
 - Education
- 25.5 If permitted and implemented, the proposal would also be subject to the Council's community infrastructure levy.
- 25.6 The proposed development would place additional demands on local infrastructure and facilities, including local schools, health facilities, idea stores and libraries, leisure and sport facilities, transport facilities, public open space and the public realm and streetscene. Should planning permission be granted, the LBTH CIL contribution is estimated at £1,259,245.
- 25.7 In addition the development would be liable to the London Mayor's CIL estimated at £485,100.
- 25.8 The applicant has also offered 35% affordable housing by habitable room with a tenure split of 73%/27% in favour of affordable rented accommodation and shared ownership housing, respectively. On total the scheme would provide 58 affordable

rented units, of which 11 would be one bedrooms, 27 two bedrooms, 15 three bedrooms and 5 four bedroom units. The intermediate units would of 13 one bedroom and 15 two bedroom units. The affordable rented units would be based upon a 50:50 split (by habitable room) between London Affordable Rents and LBTH Living Rents across all bedroom sizes. The intermediate units would of 13 one bedroom units and 15 two bedroom units.

25.9 A development viability review clause to identify and secure any uplift of affordable housing if the development has not been implemented within 48 months from the grant of permission (with the definition of ‘implementation’ to be agreed as part of the S.106 negotiations) would also be secured should permission be granted.

25.10 Should permission be granted, several non-financial contributions (as on page 4) would be secured via Section 106 agreement.

25.11 The financial contributions offered by the applicant are summarised in the following table:

Planning Obligation	Financial Contribution
Employment, skills, training and enterprise during the construction phase	£79,204
Carbon offsetting	£340,506
Parking contribution	£30,000
Public realm contribution	£70,000
Monitoring	£8,500
Total	£527,710

25.12 These obligations are considered to meet the tests set out in guidance and the CIL regulations.

26.0 Other Local financial considerations

26.1 Section 70(2) of the Planning Act provides that in dealing with a planning application a local planning authority shall have regard to:

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

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

- 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
- Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

In this context “*grants*” include the New Homes Bonus Scheme (NHB).

26.3 NHB was introduced by the Government in 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The NHB is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. The grant matches the additional council tax raised by the Council for each new house built

for each of the six years after that house is built. This is irrespective of whether planning permission is granted by the Council, the Mayor of London, the Planning Inspectorate or the Secretary of State.

- 26.4 If planning permission is refused for the current application NHB would not be received but would be payable were the Mayor of London to grant permission or an alternative development involving new housing was consented should the NHB scheme remain in operation.

27.0 Human Rights 1998

- 27.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:

- 27.2 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 of Human Rights 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".

- 27.3 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.

- 27.4 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 rights will be legitimate and justified. 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. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

- 27.5 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.

27.6 The balance to be struck between individual rights and the wider public interest has been carefully considered. Having taken into account the mitigation measures governed by planning conditions and the associated Section 106 agreement, officers consider that any interference with Convention rights is justified.

28.0 Equality Act 2010

28.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs, gender and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:

1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

28.2 It is considered the proposed development would not conflict with any of the above considerations.

28.3 The proposed commitments to use local labour and services during construction, apprenticeships and contributions employment training schemes and provision of a substantial quantum of high quality affordable housing would help mitigate the impact of real or perceived inequalities and would serve to support community wellbeing and promote social cohesion.

28.4 The scheme would be socially inclusive through the provisions such as wheelchair accessible housing, 9 accessible car parking space and through public realm and landscaping that would be step free improving pedestrian mobility for all.

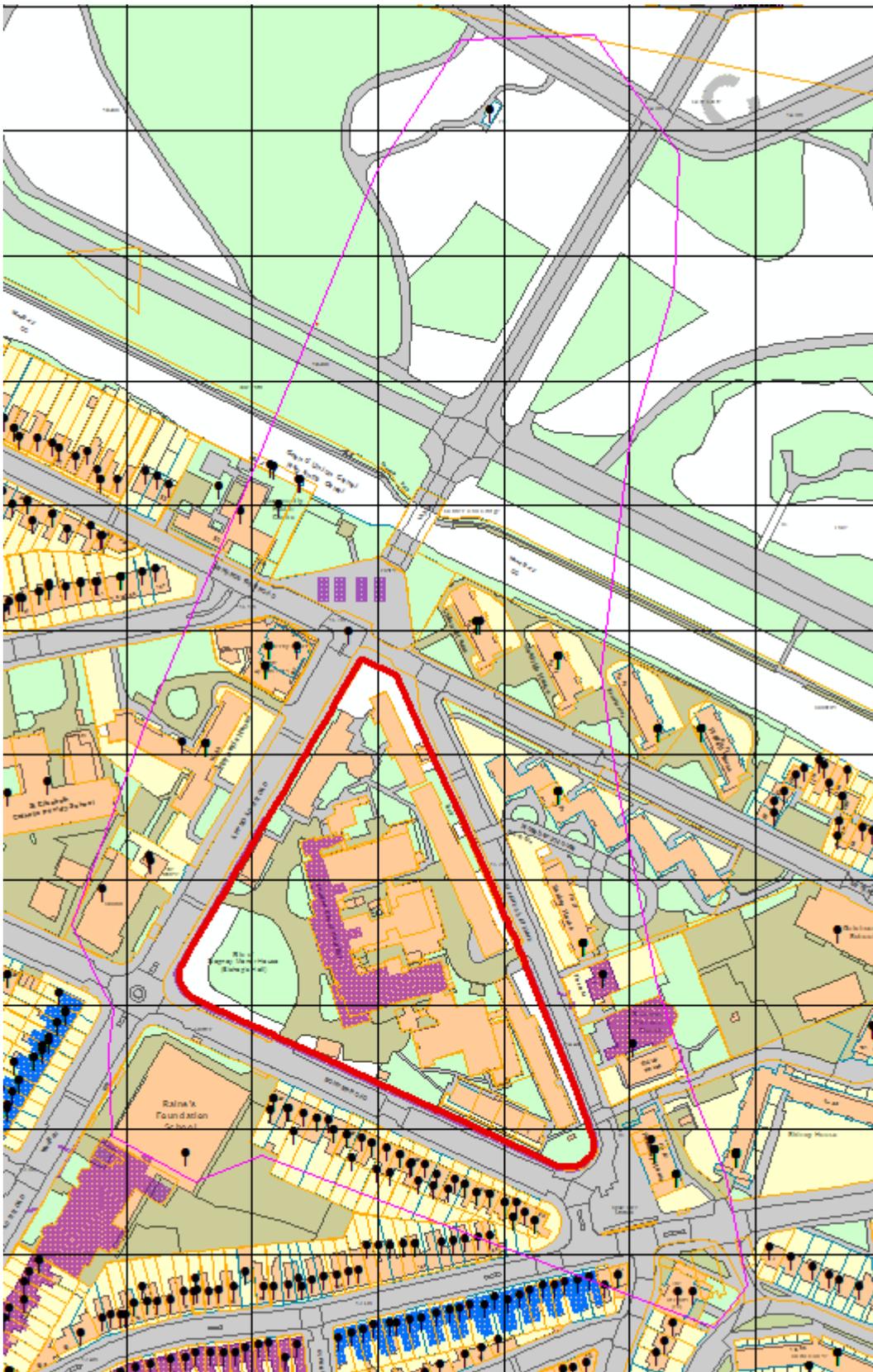
29.0 CONCLUSION

30.1 All relevant policies and considerations have been taken into account. It is recommended that the Committee resolves to APPROVE planning permission and listed building consent for the reasons set out in the MATERIAL PLANNING CONSIDERATIONS and the details set out in the RECOMMENDATIONS at Section 3 of this report.

30.0 SITE MAP

30.1 Please refer to the next page of this report (Appendix 1).

APPENDIX 1: SITE MAP



APPENDIX 2: DRAWINGS

Existing drawings:

17049_PL_1001 rev 00
17049_PL_1002 rev 00
17049_PL_1003 rev 00
17049_PL_1004 rev 00
17049_PL_1020 rev 01
17049_PL_1021 rev 00
17049_PL_1022 rev 00
17049_PL_1023 rev 00
17049_PL_1030 rev 00
17049_PL_1103 rev 00
17049_PL_1104 rev 00
17049_PL_1105 rev 00
17049_PL_1106 rev 00
17049_PL_1107 rev 00
17049_PL_1108 rev 00
17049_PL_1109 rev 00
17049_PL_1110 rev 00
17049_PL_1111 rev 00
17049_PL_1112 rev 00
17049_PL_1119 rev 00
17049_PL_1120 rev 00
17049_PL_1121 rev 00
17049_PL_1122 rev 00
17049_PL_1123 rev 00
17049_PL_1124 rev 00
17049_PL_1250 rev 01
17049_PL_1251 rev 00
17049_PL_1252 rev 00
17049_PL_1253 rev 00
17049_PL_1254 rev 00
17049_PL_1255 rev 00
17049_PL_1350 rev 00
17049_PL_1351 rev 00
17049_PL_1352 rev 00
17049_PL_1353 rev 00
17049_PL_1354 rev 00
17049_PL_1400 rev 00
17049_PL_1401 rev 00
17049_PL_1402 rev 00
17049_PL_1500 rev 00
17049_PL_1501 rev 00
17049_PL_1502 rev 00
17049_PL_1503 rev 00

Fabric Removal Drawings:

17049_PL_2002 rev 00
17049_PL_2020 rev 01
17049_PL_2021 rev 00

17049_PL_2022 rev 00
17049_PL_2023 rev 01
17049_PL_2030 rev 00
17049_PL_2119 rev 01
17049_PL_2120 rev 01
17049_PL_2121 rev 01
17049_PL_2122 rev 01
17049_PL_2123 rev 01
17049_PL_2124 rev 01
17049_PL_2250 rev 01
17049_PL_2251 rev 01
17049_PL_2252 rev 01
17049_PL_2253 rev 00
17049_PL_2254 rev 01
17049_PL_2255 rev 01
17049_PL_2350 rev 00
17049_PL_2351 rev 00
17049_PL_2352 rev 00
17049_PL_2353 rev 00
17049_PL_2354 rev 00

Proposed Drawings:

17049_PL_3001 rev 04
17049_PL_3002 rev 04
17049_PL_3003 rev 04
17049_PL_3004 rev 03
17049_PL_3020 rev 02
17049_PL_3021 rev 03
17049_PL_3022 rev 02
17049_PL_3023 rev 03
17049_PL_3099 rev 02
17049_PL_3100 rev 04
17049_PL_3101 rev 05
17049_PL_3102 rev 03
17049_PL_3103 rev 03
17049_PL_3104 rev 03
17049_PL_3105 rev 03
17049_PL_3106 rev 02
17049_PL_3107 rev 02
17049_PL_3110 rev 02
17049_PL_3119 rev 01
17049_PL_3120 rev 01
17049_PL_3121 rev 01
17049_PL_3122 rev 01
17049_PL_3123 rev 02
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17049_PL_3161 rev 05
17049_PL_3162 rev 03
17049_PL_3165 rev 02

17049_PL_3167 rev 02
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17049_PL_3171 rev 03
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17049_PL_3174 rev 02
17049_PL_3175 rev 02
17049_PL_3177 rev 02
17049_PL_3179 rev 02
17049_PL_3180 rev 03
17049_PL_3181 rev 02
17049_PL_3182 rev 01
17049_PL_3183 rev 00
17049_PL_3186 rev 02
17049_PL_3190 rev 02
17049_PL_3250 rev 01
17049_PL_3251 rev 01
17049_PL_3252 rev 02
17049_PL_3255 rev 01
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17049_PL_3407 rev 02
17049_PL_3408 rev 01
17049_PL_3420 rev 02
17049_PL_3421 rev 03
17049_PL_3422 rev 03
17049_PL_3423 rev 03
17049_PL_3424 rev 03
17049_PL_3440 rev 02
17049_PL_3441 rev 02
17049_PL_3442 rev 01
17049_PL_3443 rev 02
17049_PL_3444 rev 02
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17049_PL_3463 rev 02
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17049_PL_3465 rev 02
17049_PL_3500 rev 01
17049_PL_3501 rev 01
17049_PL_3502 rev 00

17049_PL_3503 rev 01
17049_PL_3504 rev 00
17049_PL_3505 rev 00
17049_PL_3506 rev 00
17049_PL_3507 rev 00
17049_PL_3509 rev 01
17049_PL_3600 rev D
17049_PL_3601 rev C
17049_PL_3604 rev D
17049_PL_3605 rev C
17049_PL_3606 rev D
17049_PL_3607 rev C
17049_PL_3608 rev C
17049_PL_3609 rev A
17049_PL_3610 rev B
17049_PL_3611 rev B
17049_PL_3612 rev A
17049_PL_3613 rev A
17049_PL_3614 rev A
17049_PL_3615 rev A

APPENDIX 3: SUPPORTING DOCUMENTS

- Planning Statement (May 2018)
- Design and Access Statement (July 2018)
- Air Quality Assessment (May 2018)
- Arboricultural Development Report (May 2018), by Tree: Fabrik
- Technical Note: Black Mulberry (May 2018) Aspect Arboriculture
- Contamination Land Review (October 2017)
- Daylight, Sunlight and Overshadowing Report (May 2018)
- Delivery and Serving Management Plan (May 2018)
- Demolition Management Plan (May 2018)
- Demolition Noise Assessment (May 2018)
- Ecological Assessment (May 2018)
- Economic Impact Assessment Report
- Energy Statement (May 2018)
- Environmental Noise Assessment (May 2018)
- Environmental Statement (ES) Volumes 1, 2 and 3 including appendices (May 2018) and non-technical summary (May 2018)
- Flood Risk Assessment and Drainage Strategy
- Heritage Statement
- Structural Review and Analysis
- Structural Engineers' Advice Report
- Historic Environmental Assessment (May 2018)
- Landscape Strategy Design Statement (September 2018)
- Pre-Determined Archaeological Report October 2017)
- Statement of Community Involvement (May 2018)
- Structural Condition Report and Proposed Internal Alterations (May 2018) prepared by Reuby & Stagg
- Transport Assessment (May 2018)
- Framework Travel Plan (May 2018)