

Committee: Development	Date: 25 th November 2015	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Application for Planning Permission
Case Officer: Kirsty Flevill	Ref No: PA/15/01601
	Ward: Bow East

1. **APPLICATION DETAILS**

Location: Vic Johnson House Centre, 74 Armagh Road, London, E3 2HT

Existing Use: Sheltered housing accommodation

Proposal: Part demolition, part refurbishment, part new build (extension) to total 60 age restricted apartments (over 55s) sheltered housing scheme, including new communal areas (lounge, function room, hair salon and managers office), and associated landscape gardens. The proposed use remains as existing. The scheme is on part 2, part 3 and part 4 storeys.

Drawings and documents: List of Plans:

- APL 001 Site location plan
- APL 002 Rev B Topographical survey
- APL 003 Existing ground floor plan
- APL 004 Existing first floor plan
- APL 005 Existing second floor plan
- APL 006 Existing roof plan
- APL 007 Existing elevations
- APL 008 Existing elevations
- APL 009 Rev D Proposed site plan
- APL 010 Rev D Proposed landscape strategy plan
- APL 011 Rev G Proposed ground floor plan
- APL 012 Rev H Proposed first floor plan
- APL 013 Rev H Proposed second floor plan
- APL 014 Rev D Proposed third floor plan
- APL 015 Rev C Proposed roof plan
- APL 016 Rev F Proposed elevations
- APL 017 Rev H Proposed elevations
- APL 018 Rev H Proposed Site sections
- APL 019 Rev F Proposed site elevations
- APL 020 Rev F CGI from Armagh Road
- APL 021 Rev F CGI from Armagh Road to Roman Road V2
- APL 023 Wheelchair flat type 01
- APL 024 Wheelchair flat type 02

Documents:

- Tree Survey Report dated July 2014 prepared by CBA Trees
- Transport Statement and Travel Plan dated May 2015 prepared by PFA Consulting
- Preliminary Ecology Assessment prepared by Middlemarch Environmental dated August 2014
- Daytime Bat Survey prepared by Middlemarch Environmental dated September 2014
- Nocturnal Emergence Surveys prepared by Middlemarch Environmental dated August 2015
- Energy Statement and CfSH dated August 2014 prepared by BES Consulting Engineers
- Archaeology Report dated May 2015 prepared by CgMs
- Consultation document
- Drainage Strategy Report dated May 2015 prepared by Infrastruct CS Ltd.
- Daylight and Sunlight report dated May 2015 prepared by BLDA Consultancy
- Daylight and Sunlight Addendum Report dated 25/09/2015 prepared by BLDA Consultancy

Applicant: Gateway Housing Association

Ownership: Gateway Housing Association

Conservation Area: n/a

2. EXECUTIVE SUMMARY

- 2.1 This report considers the particular circumstances of this application against the development plan policies in the London Plan 2015, Tower Hamlets Core Strategy 2010, the Council's Managing Development Document 2013, the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).
- 2.2 The application is for full planning permission for the part demolition, part refurbishment, part new build extension to total 60 x 1 bed units for the over 55s (sheltered housing). This consists of refurbishment of 32 existing units and creation of 28 new units. The proposal includes new communal areas (lounge, function room, hair salon and managers office) and the scheme is on part 2, part 3 and part 4 storeys.
- 2.3 The proposal involves the redevelopment of the existing sheltered housing site at Vic Johnson House to provide additional much needed accommodation for the over 55's. This is considered acceptable in policy terms, given there has been a clear demonstration of need and the re-provision of the community facilities on site.
- 2.4 In addition, the density of the proposal is acceptable and will not result in overdevelopment, with no undue detrimental impacts upon the amenities of the neighbouring occupants in terms of loss of light, overshadowing, privacy or increased sense of enclosure.

- 2.5 The development would be focussed around spacious landscaped gardens predominantly located to the south of the site. All residents will have access to this space which will include gardens, pathways and sitting out areas in addition to a range of biodiversity enhancements.
- 2.6 All units are larger than the London Plan standards and are designed to be wheelchair accessible. There are four designated wheelchair units. This approach takes account of residents needs as required.
- 2.7 The quality of accommodation provided, with internal and external amenity spaces standards met, would provide an acceptable living environment for the future occupiers.
- 2.8 The proposed rent levels for the new units will be affordable rents and there will be no change to the rent paid by existing residents at Vic Johnson.
- 2.9 In terms of design, this report also explains that the amended design of the proposal is considered acceptable in terms of height, scale, bulk, design and appearance, and would deliver good quality sheltered accommodation in a sustainable location.
- 2.10 Transport matters including parking, access and servicing arrangements are acceptable with a new more visible entrance proposed from Armagh Road.

3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission subject to:

A The prior completion of a legal agreement to secure the following obligations:

Financial Obligations:

- (a) A contribution of £10,572 towards providing employment & training skills for local residents.
- (b) A monitoring fee in line with the emerging Planning Obligations SPD £3,000 contribution towards monitoring and implementation (based on a charge of £500 per principle clause).

Total: £13,572

Non-Financial Obligations:

- (a) Secure rent levels at Council's affordable rents for new residents
- (b) Secure no changes in rent level for existing residents
- (c) Employment and Training Strategy including access to employment (20% Local Procurement and 20% Local Labour in Construction).
- (d) Minimum of 4 apprenticeships are expected to be delivered during the construction phase
- (e) On-street parking permit free.
- (f) Any other planning obligation(s) considered necessary by the Corporate Director Development Renewal.

- 3.2 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within delegated authority.

3.3 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following

B The following conditions and informatives:

3.4 Compliance conditions

- 1 Time limit 3 years.
- 2 Compliance with plans.
- 3 Proposal to be used as sheltered accommodation only (in land use terms)
- 4 All new units shall be wheelchair adaptable and 4 x no. new units shall be designated wheelchair units
- 5 Compliance with Energy and Sustainability Strategy Report.
- 6 Communal amenity space accessible to all future residents of the development.
- 7 30 Cycle parking spaces/storage to be provided and maintained
- 8 Refuse and recycling facilities to be implemented in accordance with approved plans.
- 9 Hours of construction (08.00 until 17.00 Monday to Friday; 08.00 until 13:00 Saturday. No work on Sundays or Bank Holidays).
- 10 Impact piling limited to 10.00 am to 4.00 pm.
- 11 Communal amenity space accessible to all future residents of the development

3.5 Prior to commencement

- 12 Demolition/Construction Environmental Management & Construction Logistics Plan.
- 13 Precautionary bat surveys should building works not commence by April 2017
- 14 Archaeological Report

3.6 Prior to above ground works commencement

- 15 Surface water drainage details and maintenance of SUDS/attenuation features maintained for the lifetime of the development
- 16 Details and samples of all facing materials including windows, balustrades and screening.
- 17 Section 278 agreement with LBTH highways.
- 18 Landscaping to include boundary treatment, brown and green roofs, ecological enhancement/mitigation measures and external lighting.
- 19 Secured by Design accreditation.
- 20 Access strategy including security arrangements into motorised scooter store, refuse storage and entrances to building
- 21 Tree/landscaping management plan detailing management of site trees and shrubs/hedges to ensure that the sight lines can be maintained near entrances

3.7 Prior to Occupation

- 22 Delivery, Servicing Plan and Waste Management Plan including refuse storage and collection.
- 23 Code for Sustainable Homes Level 4 post completion testing
- 24 Lifetime Homes

3.8 Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

3.9 Informatives

1. Associated section 106 agreement
2. Compliance with Building Regulations

3.10 That, if within 3 months of the date of this committee the legal agreement referred to in paragraph 3.1 has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

4 SITE AND SURROUNDINGS

- 4.1 The application site is 0.302 hectares in size and is located within the Bow East ward. The application site lies to the east of Armagh Road directly to the north of Roman Road and to the south of Old Ford Road. To the north the site is bounded by a private road. To the east the site is bounded by an enclosed play area and residential properties to the south (and behind the enclosed play area).
- 4.2 The site is currently occupied by a part 1/part 3 storey building which is arranged in a 'T' shape and is oriented in an east –west direction. The site is known locally as Vic Johnson House. Vic Johnson House was built in 1981 and currently provides sheltered accommodation for the over 55's.
- 4.3 Currently, there are 32 flats on the site of which 31 are 1 bed flats and 1 is a 3 bed unit. Fronting Armagh Road there are six bungalow flats arranged in a terrace format which are single storey in height with mono-pitched roofs. Perpendicular to this sits the main building block which is three storeys in height. At the far eastern extent of the main building lies a warden's lodge which is separated from the existing building and provides a 3 bed general needs unit.
- 4.4 The main building block is three storeys high and features oblique windows on its northern and southern elevation. In its existing situation, many of the flats are single aspect and not all flats benefit from private amenity space.
- 4.5 The main entrance to the building is located on the northern side of Vic Johnson House and is accessed by the private road. Communal gardens are provided predominantly to the south but also to the east and west, wrapping around the existing building. There are also six trees within the red line boundary of the site (as identified in the Tree Survey Report) with a further tree located to the north west of the site (on Armagh Road) in close proximity to the private road and three trees located within the parking area to the north.
- 4.6 Existing car parking for Vic Johnson House is provided outside the red line boundary to the north of the site. There are six car parking spaces which are designated for visitors. Designated disabled parking is also provided along Armagh Road. It is understood that drop offs currently occur from the car parking area located outside the red line plan.
- 4.7 The buildings on site are a mix of red brick construction with wood effect white panelling. In addition, the boundary treatment includes 1.8 metre high blue coloured railings.
- 4.8 The character of the immediate area is residential and the residential properties are set away from the existing building. Directly to the south of the site lies Roman Road which in this particular location forms part of the Roman Road East District centre. The character of Roman Road is a mix of commercial premises at ground floor with

generally residential above. This also forms part of the Roman Road Market Conservation Area.

- 4.9 The site has a poor public transport accessibility level with a PTAL rating of 2. Bus stops are located on Old Ford Road, Parnell Road and Tredegar Road which are approximately a 5 minute walk from the site. Bus routes Nos. 8, N8, 276, 339 and 449 serve the area travelling towards Central London, Stratford, Leytonstone, Newham, Hackney and Stoke Newington. The bus routes offer the opportunity to interchange to underground/rail stations including Bethnal Green, Bow Church, Hackney Wick, Mile End and Stratford stations.
- 4.10 There are no statutory or locally listed buildings within the site; however, the site lies within an archaeological priority area.

5. PLANNING HISTORY

- 5.1 The planning history of relevance to the site is detailed below:
- 5.2 PA/09/01627 - Replacement of front entrance door and alteration to front elevation boundary fencing. Approved 23/12/2009.
- 5.3 Whilst not part of this application site, the adjoining site along the southern and part way along the eastern boundary has recently been built out and the impact of the proposal at the Vic Johnson site on the recently built out site is a consideration. Planning permission was granted on 24/10/2012 (with planning reference PA/12/02231) for *'the demolition of existing 3-storey temporary office building and erection of 8 new dwellings - 3 x 3 bedroom (5 person) 2-storey houses, 3 x 4 bedroom (6 person) 2-storey houses & 2 x 5 bedroom (7 person) 3 storey houses with access from Usher Road and Armagh Road. Associated refuse and cycle store and no. 1 wheelchair parking space'*.
- 5.4 The adjoining site is a slim site which has two properties fronting Armagh Road (which are directly accessed from Armagh Road) and the remaining six properties to the east are accessed from the end of Usher Road. In terms of the properties accessed from Usher Road, two properties which are a pair of semi-detached houses are located to the west and the remaining four to the east of Usher Road which are a set of terraced properties.

6 PROPOSAL

- 6.1 An application is made for full planning permission for the part demolition, part refurbishment, part new build (extension) to total 60 age restricted apartments (over 55s) sheltered housing scheme.
- 6.2 The proposal comprises 32 existing apartments and a further 28 new apartments are proposed. Of the 32 retained apartments, four of these will be remodelled.
- 6.3 The new units include private amenity space for the benefit of the occupier, open plan living/kitchen/dining room and separate space for laundry. All units demonstrate space for motorised scooter storage and have large bathrooms which can be adapted for resident's needs.
- 6.4 The application seeks to retain as much of the existing accommodation as possible and this includes retaining the central body of the existing building which is on a horizontal axis.

- 6.5 The proposal includes an extension to the existing central body of the building by three storeys in height further towards the east. This will incorporate the existing warden's house and extend up to the boundary with the enclosed play area. The front elevation facing Armagh Road will be increased to four storeys in height at its highest point and will reduce in scale to the south to two storeys. The proposed redevelopment of the site will retain the existing horizontal 'T' shaped element and will retain the enclosed amenity space located toward the eastern most extent of the site.
- 6.6 The proposal also includes a new entrance fronting Armagh Road at the south west corner of the application site; however, the vehicular drop off trips will be maintained to the north of the site from the private road. In addition, the 6 car parking bays to the north of the site (which are outside the application boundary) are retained. The proposal includes dedicated motorised scooter stores and cycle shelters toward the south of the site with direct access to Armagh Road.
- 6.7 The proposal also includes new communal areas for the residents including improved lounge areas, function room, hair salon and manager's office and landscaped gardens that encompass the site predominantly to the south. The landscaped gardens include vegetable gardens, water features, lawn areas and sitting out areas.
- 6.8 The proposed rent levels for the new units will be affordable rents as agreed by the Council. There will be no change to the rent paid by existing residents at Vic Johnson.
- 6.9 As the main part of the Vic Johnson House building is being retained, many residents will remain living in their apartments during the construction process which will enable some residents to stay within their current home. At the time of writing the committee report, only three residents remaining still need to be relocated. Most residents (except one resident) have moved or agreeable to moving. The construction period will last for 18 months.
- 6.10 The proposal meets the standards set out in Lifetime Homes. There will be 4 designated wheelchair apartments located at ground and first floor which can be accessed by several lifts. The designated wheelchair apartments are nos. 4, 12, 20 and 29. In addition, all of the new apartments are wheelchair accessible and can therefore be adapted to individual resident's needs as required.
- 6.11 There are also six trees within the red line boundary of the site (as identified in the Tree Survey Report) with a further tree located to the north west of the site (on Armagh Road) in close proximity to the private road and three trees located within the parking area to the north.

7. LEGAL AND POLICY FRAMEWORK

- 7.1 The Council in determining the planning application has the following main statutory duties to perform:
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004);

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

National Planning Policy

- 7.3 National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

7.4 **The London Plan 2015 (LP)**

- 2.9 Inner London
- 3.1 Ensuring equal life chances for all
- 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
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of Affordable Housing
- 3.11 Affordable Housing Targets
- 3.14 Existing Housing
- 3.16 Protection and enhancement of social infrastructure
- 5.1 Climate change mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.4 Retrofitting
- 5.7 Renewable Energy
- 5.8 Innovative energy technologies
- 5.11 Green Roofs and Development Site Environs
- 5.13 Sustainable drainage
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing Traffic Flow and Tackling Congestion
- 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
- 7.18 Protecting Local Open Space
- 7.19 Biodiversity and access to nature
- 7.21 Trees
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

7.5 **Tower Hamlets Core Strategy 2010 (CS)**

- SP02 Urban Living for Everyone
- SP03 Creating Healthy and Liveable Neighbourhoods
- SP05 Dealing with waste

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 place making
SP13 Planning Obligations

7.6 Tower Hamlets Managing Development Document 2013 (MDD)

DM0 Delivering sustainable development
DM3 Delivering Homes
DM4 Housing standards and amenity space
DM5 Specialist housing
DM8 Community Infrastructure
DM11 Living Buildings and biodiversity
DM13 Sustainable Drainage
DM14 Managing Waste
DM20 Supporting a Sustainable transport network
DM21 Sustainable transportation of freight
DM22 Parking
DM23 Streets and the public realm
DM24 Place sensitive design
DM25 Amenity
DM29 Achieving a zero-carbon borough and addressing climate change

7.7 Supplementary Planning Documents

Revised draft *Planning Obligations Supplementary Planning Document* Version for public consultation April 2015
The Mayor's Housing SPG 2012

7.8 Tower Hamlets Community Plan objectives

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

8. CONSULTATION

8.1 The following organisations and council departments have been consulted. Responses are summarised below. Full representations are available to view in the case file. The views of officers within the Directorate of Development and Renewal are generally expressed within Section 9 of this report 'Material planning considerations' but where appropriate comment is made in response to specific issues raised by the consultation process.

External

Historic England

8.2 No comments to make on the application.

Historic England Archaeology

- 8.3 No comments received

Environment Agency

- 8.4 No comments received.

SUDS

- 8.5 The Flood risk assessment and Drainage strategy is accepted.
- 8.6 A detailed surface water drainage scheme will need to be submitted to the LPA prior to works commencing and this should be conditioned to ensure the scheme incorporates SUDS to reduce surface water discharge to 50% of existing rates in accordance relevant policy and guidance complies with the NPPF, Policies 5.12 and 5.13 of the London Plan and DEFRA SuDs technical standards and also Policies SP04 and DM13 of the Borough adopted Local Plan.
- 8.7 In addition, no development shall commence until a strategy which demonstrates how any SuDS and/or attenuation features will be suitable maintained for the lifetime of the development has been approved by the Local Planning Authority.

(Officer comment: noted. The conditions will be recommended)

Internal

Planning policy officer

- 8.8 The proposal would, in principle, be in conformity with Core Strategy Spatial Policy SP02.7c which seeks to facilitate appropriate supported housing in the borough and Policy DM5 of the Managing Development Document which protects specialist and supported housing including sheltered accommodation.
- 8.9 In line with part 2 of DM5 the redevelopment would re-provide the existing accommodation. In addition, there would be a net gain of 28 new units.
- 8.10 To conform with policy requirements (DM5.3), the applicant should provide evidence of need. General information has been provided on the borough's demographics and numbers of units in such schemes in the borough, further information could be provided to show how the proposal will meet demand.
- 8.11 In terms of the demolition and replacement of community facilities, this aspect of the proposal complies with Policy DM8.2, which requires re-provision of existing facilities as part of any redevelopment.
- 8.12 The site is located in an archaeological priority area. Policy DM27.4 requires the proposal to include an Archaeological Evaluation Report and will require any nationally important remains to be preserved permanently in site, subject to consultation with English Heritage.
- 8.13 In conclusion subject to adequate demonstration of need for additional sheltered accommodation and confirmation of conformity with design guidance, the proposal can be considered to be policy-compliant.

(Officer comment: In order to address the comments raised by the policy officer, the applicant has carried out a data extract from LBTH housing system and this demonstrates that there are currently 137 applicants aged 55 + registered for sheltered housing. There is a further 102 applicants aged 55+ who require housing without support. There is a clear need for additional sheltered housing in the borough and this proposal would seek to address some of the demand. In terms of the design matters, this is discussed further in the 'design officer's comment and in the 'design and appearance' section of the report)

Design officer

- 8.14 The proposal could be acceptable; however, there is concern about the proposed palette of materials – there are too many different types and colours being used and this will result in a fussy and cluttered appearance.
- 8.15 The design officer has requested that changes are made to the proposal to gain his support. This includes limiting the brick to a maximum of 2 brick types; blue brick for base and buff brick for upper floors, omit wood effect panelling and use one colour for metal detailing, balustrades and other items of details. Despite the above, the use of textured brick is supported.

(Officer comment: revised drawings have been provided which include the changes requested by the design officer. The design officer has removed their objection to the proposal)

Housing officer

- 8.16 This scheme is part of Gateway Housing's strategy of updating and remodelling their stock of specialist housing for the elderly, which is supported by the council in our Older People's Housing Statement.
- 8.17 The overall 60 unit scheme will provide much improved facilities for all residents. The communal facilities are much better arranged, with a new entrance which brings people into the building past the office and into a communal lounge area with a variety of uses. The addition of a mobility scooter store by the entrance is good and also the new units have space within them for a mobility scooter to be parked, or for a powered wheelchair to be charged. A new lift core is being added, which will improve the surety of access to the upper floor units for wheelchair using residents. Access for vehicles remains to the north of the block where the current main entrance is and the applicant says that they have some parking available outside the scheme red line, which will be very useful for ambulance / car pick-ups.
- 8.18 The 28 new build units are all 1 beds, as is appropriate for this type of sheltered housing scheme. They all appear to be at least the 50 sqm minimum required by the London Plan, but the application does not seem to include a schedule of accommodation to enable all sizes to be checked and the units on the drawings have some room sizes marked, but not all. It would be useful to get the applicant to confirm all unit sizes.

(Officer comment: the applicant has confirmed that the proposed 'new' apartments are 52sqm for a standard 1 bed unit and a wheelchair accessible unit is 65sqm. The proposed 'new' apartments are therefore above the London Plan standards)

- 8.19 Many, if not all, of the units are single aspect, although the slanted projections to the face of the building do give them a partial aspect in a slightly different direction. The new units are constrained by their relationship to the existing building.
- 8.20 The new units all have a separate laundry/utility room, presumably in response to resident consultation, and this will make the open plan living/dining/kitchen room much more useable. Bathrooms all seem to be big enough to be used for installation of a level access shower when required to be adapted for residents with decreased mobility. It appears that all new units have a balcony or patio space and the whole scheme has a pleasant looking improved garden area with seating and a vegetable growing area.
- 8.21 The D&A states that there are 4 units provided as wheelchair accessible, but does not identify them. Presumably, that they are units 4 and 12 on the ground and 20 and 29 on the first floor.

(Officer comment: the applicant has confirmed that there are two types of wheelchair flats and the wheelchair flats are units 12 and 29 (using 1 type of layout) and units 4 and 20 (using type 2 layout). The applicant has submitted drawings of the wheelchair accessible flats which demonstrate that the units are more than 20% larger than the adjoining flats and the housing officer is satisfied that the wheelchair accessible units will meet the required standards)

- 8.22 These units are drawn with baths in the bathroom, but we would advise that they should be provided with level access showers unless the Council's Occupational Therapy team identifies suitable wheelchair clients that prefer and are able to use a bath.

(Officer comment: as noted above, the applicant has submitted detailed drawings. The bathroom layouts show how the proposal can incorporate a level access shower with a 1200 x 1200 shower area and there is a suitable space for either indoor wheelchair transfer and charging, or even charging for a mobility scooter (the block also has a central mobility scooter storage room).

- 8.23 There is nothing in the submission stating the level of rents being proposed for the new units and I would like confirmation of that.

(Officer comment: the applicant has confirmed that the proposed rent levels for the new units will be affordable rents as agreed by the Council. There will be no change to the rent paid by existing residents at Vic Johnson who will benefit from the increase in communal space and facilities at no extra cost)

- 8.24 This scheme has experienced some difficulty in its early development, with a number of residents complaining about the need for the development. It appears that a new round of consultation has improved the residents' view of the scheme. The new build is bound to be disruptive and unwelcome for existing residents, but all in all, it appears that the new development will provide improved facilities and an increased number of units which will be suitable for future use.

(Officer comment: This is noted, and also the disruption would only for a short term and in long term, the proposal would provide an enhanced facility)

Biodiversity Officer

- 8.25 The Daytime Bat Survey report found that the main Vic Johnson House building and

no.74a both have high potential for bat roosts, and recommends emergence/re-entry surveys (at least 3 surveys due to the high potential). There is no evidence that these further surveys have been undertaken. Because the potential is high, these surveys should be undertaken and reported to the Council before the application is determined. It is not appropriate to leave this to a condition. If no bat roosts are found, the main existing features of some value to biodiversity are a hedge on the eastern, southern and western boundaries of the site, and a few mature trees.

(Officer comment: further discussions have been held between the biodiversity officer and the applicant's consultant and two further bat surveys have been undertaken. On both occasions it was confirmed that no bats were observed emerging from the building, and there was no bat activity on the site. The biodiversity officer has subsequently confirmed that on the basis of no bat activity on the site, a third survey is not required and is satisfied that there are no bats on the site currently.

In addition to the above, the biodiversity officer has also requested a condition regarding a precautionary bat survey if demolition or works to the building doesn't start by April 2017. The specific date has been suggested, rather than 12 months from the date of the survey, as the survey had been done near the end of this year's bat activity season, so we can regard it as valid until the end of next year's bat activity season. Appropriate conditions are recommended).

8.26 There is some discrepancy within the documentation in terms of identifying the hedge. This as a blackthorn hedge (a native species) and the tree survey, which identifies it as pyracantha (a non-native species). Its value for biodiversity would be much greater if it is composed of blackthorn than if it is composed of pyracantha. Pyracantha would be by far the more likely. It is noted that a new mixed native hedge will be introduced (108 metres) which will significantly contribute to the Local Biodiversity Action Plan (LBAP) and will compensate for its loss.

(Officer comment: as also noted later in this section, the specific details of the new hedge will be controlled by conditions)

8.27 The "type B" shrub and herbaceous planting, along with the proposed resident herb garden, will be an excellent source of nectar for bees and other pollinating insects, which will contribute to another LBAP target.

(Officer comment: noted, full details of the landscaping will be recommended as a condition)

8.28 It is proposed to incorporate 5 swift boxes and 5 bat boxes into the walls of the building, on the east and south-east facades. This will contribute to objectives in the Local Biodiversity Action Plan (LBAP). The swift boxes are best placed on the east façade, while most of the bat boxes would be best on the south-east façade.

(Officer comment: noted, full details of the swift and bat boxes will be recommended as a condition including their location)

8.29 No green roofs are proposed. Most of the building is clearly unsuitable for green roofs, but the proposed flat roof on the Armagh Road frontage, where photovoltaics are proposed, would probably be suitable. The inclusion of a green roof here would enhance the performance of the photovoltaics through reducing ambient temperature, as well as enhancing biodiversity. The applicant should be asked to consider the feasibility of a biodiverse green roof, designed following the best practice guidance published by Buglife, on this part of the building.

(Officer comment: the applicant has agreed to a green roof on this part of the building (email

dated 21.08.2015. Again, it is recommended that the full details of the green roof are controlled by condition)

8.30 Overall, the proposals will lead to significant biodiversity enhancements.

8.31 Recommends a planning condition requiring full details of biodiversity enhancements to be submitted for written approval prior to commencement of works. This includes full details of 108 metres of new mixed native hedge, landscaping including diversity of nectar rich plants, biodiverse roof on the flat roof element and details including location of bat boxes and nest boxes.

(Officer comment: Appropriate conditions are recommended as set out above).

Arboricultural Tree Officer - Parks and Open Spaces

8.32 No objections to works proceeding.

Energy Efficiency Unit

8.33 MDD Policy DM29 sets a target of a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. From April 2014, the Council has applied a 45% carbon reduction target beyond Building Regulations Part L 2013 as this is deemed to be broadly equivalent to the 50 per cent target beyond Part L of the Building Regulations 2010.

8.34 The proposals follow the energy hierarchy and seek to minimise CO2 emissions through the implementation of energy efficiency measures, CHP installation and a PV array (45 kWp).

8.35 Based on the current proposals, the proposal will meet the required reduction as per DM29 of the MDD.

(Officer comment: It is recommended that compliance with the details contained within the energy statement would be controlled by condition).

Transportation & Highways

8.36 Car Parking. Highways require a section 106 'car and permit' free agreement for this development, because Armagh Road has night time parking occupancy of 88%. This exceeds the 80% level, which we consider to be 'stressed'

8.37 Cycle Parking. The proposed cycle parking is acceptable exceeding London Plan requirements and is welcomed.

8.38 Travel Plan. The submitted Travel Plan is satisfactory.

8.39 Pick up and drop offs: The applicant has stated that car pick-up and drop-offs will take place through rear entrance. This is acceptable from Highways side. However, as stated in pre-application advice, Highways will resist use of Armagh Road for any pick-up and drop-offs.

8.40 Highways recommend the following conditions are applied to any permission:

- A Construction Management Plan to be approved prior to commencement of development

- Scheme of highways improvement works (s278 agreement) prior to commencement of development

(Officer comment: Appropriate conditions are recommended).

Waste Officer

8.41 No objections

Crime Prevention Officer

8.42 Tree canopies: Please ensure that tree species do not impede vision at the main entrance. This entrance needs to have clear lines of sight to and from it. The tree canopy should not grow lower than 2M from the ground.

(officer comment: tree canopy and tree cutting can be controlled by way of condition)

8.43 Planting in the residents gardens needs to be carefully considered. No shrub species should grow above 1M in height. This is to ensure clear lines of sight.

(officer comment: shrub species height can be controlled by way of condition)

8.44 I would suggest replacing the 400mm trellis on top, of the perimeter close boarded fence with 600mm. This will ensure greater security/privacy and not impact on light levels greatly.

8.45 The motorised scooter store on the GF should only have ONE door, an internal or external door.

(officer comment: the motorised scooter store has two points of access to ensure ease of access for residents in entering the building, particularly those residents with mobility issues. A condition can control the access arrangements into and out of the store including information as to how residents would have access including security arrangements)

8.46 I would like to see a second security door within the foyer which prevents illegitimate access to the lifts and stairs/rest of the building. This will prevent any unauthorised 'tailgating' into the development. This is especially important in this type of development when the care manager is not on duty (often in the evening). This is the time these establishments are often targeted.

(officer comment: a second set of doors is included within the plans and in order to address the Crime Prevention officer's concerns regarding security, how this will operate will be secured by condition).

8.47 Bin stores should not have an internal access door leading into the building as this creates a vulnerable area which could be targeted.

(officer comment: the refuse stores have two points of access to ensure ease of access for residents in entering the building, particularly those residents with mobility issues. A condition can control the access arrangements into and out of the store including information as to how residents would have access including security arrangements)

8.48 The proposal shows O.V on the Ground floor. If this is referring to A.O.V can this be placed above ground floor as this is a vulnerable space.

(officer comment: this is a openable window. This element of the proposal adds variance to the overall design of the proposal rather than providing a blank façade to the adjacent games area and on balance is considered acceptable from a massing and architectural detail point of view)

8.49 Louvre windows? These are not normally a good idea.

(officer comment: no louvre windows are proposed. Only a louvre door to the refuse store is proposed)

8.50 Brick patterns at the lower heights of the building (below 3M) should not contribute to easy climbing. (Hit & Miss etc)

8.51 Please ensure that where the perimeter railings of two different heights met there is no vulnerability caused by this due to climbing from one height to the other.

8.52 A condition should be placed upon this proposed development to achieve Secured By Design accreditation part 2.

(Officer comment: A condition is recommended to require the development to achieve Secured by Design accreditation).

Enterprise & Employment

8.53 Construction phase: The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. We will support the developer in achieving this target through providing suitable candidates through the Skillsmatch Construction Services. To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets. We will support the developer to achieve their target through ensuring they work closely with the council to access businesses on the approved list, and via the East London Business Place.

(Officer comment: the applicant has agreed to the above and this will be secured through the 'heads of terms' in a s106 agreement)

8.54 The Council will seek to secure a financial contribution of £10,572 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development. This contribution will be used by the Council to provide and procure the support necessary for local people who have been out of employment and/or do not have the skills set required for the jobs created.

(Officer comment: the applicant has agreed to the above and this will be secured through the 'heads of terms' in a s106 agreement)

8.55 Apprenticeships: according to the CITB guidance (on build costs) a minimum of 4 apprenticeships are expected to be delivered during the construction phase. We expect a minimum of NVQ Level 2 apprenticeships in construction trades or other related administrative functions required during the construction phase – this is a realistic target for a 104 weeks/24 months build. Other higher training requirements identified during the construction phase could count towards this target and should be discussed/negotiated directly with the Employment/Enterprise team once the pre-commencement meeting has taken place.

(Officer comment: the applicant has agreed to the above and this will be secured through the 'heads of terms' in a s106 agreement)

8.56 Proposed employment/enterprise contributions at end-use phase: N/A residential scheme.

Corporate Access Officer

8.57 No specific comments received.

(Officer comment: comments on the wheelchair units has been provided by the housing officer and there is further discussion on the access matters in the 'material planning considerations' section of the report).

9. LOCAL REPRESENTATION

9.1 The application has been publicised by way of site notices outside the application site and advertisement in East End Life. 217 neighbouring properties were individually notified and invited to comment by way of neighbour's letters. The Driffield Road Residents Association was also consulted.

No of individual responses:	3	Objecting:	3	Supporting:	0
No of petitions received:	1		(132 signatures objecting)		

9.2 It should be noted that the petition attracted a total of 163 signatures; however, not all of the signatures can be considered as they contain partial names, no address or the objector does not reside in the borough.

9.3 Grounds of objection by neighbours may be summarised as:

- Overdevelopment of site which is out of keeping with longstanding and new houses within the local vicinity

(Officer comment: overdevelopment is discussed within the 'land use' section of the report)

- Plans involve the loss of communal lounge and garden as well as six bungalows which are well designed for use by older residents

(officer comment: the proposal re-provides communal facilities including communal gardens. The proposal re-provides the lost units on site)

- Concern about noise and dust during construction with many of the residents expected to remain in their flats whilst the proposal is being built out. Especially people with health problems including respiratory diseases.

*(Officer comment: the applicant has confirmed that the construction will be undertaken by a carefully chosen organisation with experience in sensitively dealing with elderly and vulnerable residents during each phase of the works. Residents will be involved in the selection process to ensure a contractor is appointed with whom they feel comfortable. The construction work will be undertaken over a period of 18 months with a complete separation between resident areas and construction works. Management of work that is both dusty and noisy will be carefully considered to minimise disruption to residents
A construction Management Plan should also be secured by condition to reduce the impact on residents during the construction phase)*

- Major concern about upheaval of existing residents who are elderly /have medical conditions and least capable of dealing with this level of upheaval. Caused much stress and uncertainty for the residents with pressure put on existing tenants to leave.

(Officer comment: As the main part of the Vic Johnson House building is being retained, the applicant proposes that a number of residents will remain living in their apartments during the construction process which will enable some residents to stay within their current home. At the time of writing the committee report, only three residents remaining still need to be moved. Most resident's (except one resident) have moved or is agreeable to moving. The applicant has engaged with the resident's through an extensive consultation exercise and ensured an honest and open dialogue with residents regarding the proposals (see Consultation document). The applicant is advised to continue to engage with residents throughout the build programme (should the application receive planning consent). In terms of managing the construction phase, the applicant has confirmed that the entrance from the parking frontage will remain in use for the residents and provide a clear separation between construction areas and resident areas. The decant process has already established a buffer zone between the proposed works and the existing apartments. The buffer zone is one apartment on each flank. The construction access will be off Armagh Road into the rear garden. A secure fence will be installed to separate the resident garden area from the contractors compound. All works will be communicated to residents by a resident liaison officer to ensure that every phase of work is managed and communicated with the residents' welfare as a top priority. The resident liaison officer will also deal with any concerns that residents have during the process)

- Is the proposal necessary? The building is not dilapidated and the issues could be rectified. The building is supposed to be Gateway's 'flagship' sheltered housing scheme in this part of London so it seems unnecessary to spoil it. Vic Johnson House is one of the main attractions of the local area.

(officer comment: whether a proposal is necessary is not a material planning consideration as proposals are assessed against relevant planning policy. However, it is noted that the proposal will seek to ensure the site is suitable for the use of future generations (improved building function and quality, layout etc) in accordance with the government's sustainable development agenda).

- Habitats use the surrounding hedges and land the building occupies which is important for wildlife including a colony of endangered house sparrows

(officer comment: this was noted in the Ecological Assessment. The proposal has been assessed by the Biodiversity officer and will introduce significant biodiversity enhancements which contribute to council's LBAP target. In addition, a new hedge will be introduced and on balance the loss of the existing hedge will be outweighed by the introduction of a new hedge and significant biodiversity enhancements. This matter is more generally discussed in the Biodiversity officer's comments and the 'Biodiversity and Ecology' section of the report)

- Seeming lack of compassion from Gateway and how does this fit in with its charitable status. Lack of commitment from Gateway housing in terms of providing what is viewed as 'permanent homes' and could result in levels of mistrust in the future

(officer comment: views on Gateway is not a material planning consideration)

- The interests of all sheltered housing tenants (not just this proposal) need to be protected

(officer comment: not a specific material consideration to this planning application)

- Design could be improved including the entrance block facing Armagh Road which is incongruous to the rest of the scheme. What are the proposals to the northern elevation? Will the blue painted anti climb spikes on the northern elevation be removed which are oppressive?

(officer comment: the Council's design officer initially raised some concerns on design and revised drawings have been subsequently submitted. The applicant has reduced the number of materials so that the scheme is more unified on the whole. In addition, it is considered that the entrance element should have some prominence and a sense of arrival, so it is clear where the main entrance to the site is which is why this is designed differently to the adjoining block. On the northern elevation, no changes are proposed other than the eastward extension of the block which will use a red brick (to mirror the existing block) and introduce additional windows and balconies which will project no further northwards than the existing building line. The submitted plans demonstrate that the blue painted spikes will be replaced with a dwarf wall (measuring 400mm) with railings above (1100mm high))

- The car park to the northern side is barren and unfriendly and should mitigate some of the anti-social behaviour issues

(officer comment: the car parking area to the north of the site lies outside the red line plan of the application site and cannot be considered under this application.)

- The play area to the east could lead to issues for residents as windows are proposed on this elevation. This could lead to complaints from residents about noise.

(officer comment: the proposed windows are high level windows on this elevation and the remaining windows serve corridors i.e. non-habitable rooms. As the warden's lodge extends almost up to the edge of the perimeter the principle of use of this space has been established with the associated noise levels.)

10. MATERIAL PLANNING CONSIDERATIONS

10.1 The main planning issues raised by this application are:

- Sustainable development
- Land use
- Design and appearance
- Housing
- Quality of accommodation & impact on neighbours
- Highways & Transport
- Energy
- Flood Risk
- Biodiversity & Ecology
- Community Infrastructure Levy and Planning Obligations
- Other Local Finance Considerations
- Human Rights
- Equality Act

Sustainable development

- 10.2 Local planning authorities must have regard to the National Planning Policy Framework (NPPF) and the related guidance in the National Planning Practice Guidance (NPPG) that set out the Government's objectives for planning and development management.
- 10.3 The NPPF Ministerial foreword and paragraph 6 say that the purpose of planning is to help achieve sustainable development. Sustainable is said to mean "*ensuring that better lives for ourselves don't mean worse lives for future generations.*" Development means growth. We must house a rising population. The foreword provides key themes to assess whether proposals would result in sustainable or unsustainable development:
- *"Sustainable development is about change for the better.*
 - *Our historic environment can better be cherished if their spirit of place thrives, rather than withers.*
 - *Our standards of design can be so much higher. We are a nation renowned worldwide for creative excellence, yet, at home, confidence in development itself has been eroded by the too frequent experience of mediocrity.*
 - *Sustainable development is about positive growth – making economic, environmental and social progress for this and future generations."*
- 10.4 The NPPF Introduction page 2 paragraph 7 says achieving sustainable development involves three dimensions:
- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places.
 - a social role – supporting strong, vibrant and healthy communities, by creating a high quality built environment.
 - an environmental role – contributing to protecting and enhancing our natural, built and historic environment.
- 10.5 NPPF Paragraph 8 emphasises that these roles should not be undertaken in isolation, being mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously with the planning system playing an active role in guiding development to sustainable solutions.
- 10.6 Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life. This includes widening the choice of high quality homes. (NPPF Paragraph 9).
- 10.7 Officers consider that when assessed against NPPF criteria the proposed scheme amounts to sustainable development. This is reflected in the Core Strategy 2010 at Strategic Objective SO3 'Achieving wider sustainability.' This emphasises the achievement of environmental, social and economic development, realised through well-designed neighbourhoods, high quality housing, and access to employment, open space, shops and services.

Land Use

- 10.8 Delivering housing is a key priority both nationally and locally and this is acknowledged within the National Planning Policy Framework, Strategic Objectives 7, 8 and 9 of the Councils Core Strategy (2010) and policy 3.1 of the London Plan (2015), which gives Boroughs targets for increasing the supply of housing.
- 10.9 An important mechanism for achieving the strategic housing objectives outlined in the London Plan is set out in Policies 3.3 and 3.4, which seek to encourage councils to maximise the development of sites to ensure targets are achieved where feasible.
- 10.10 Policy SP02 of the Core Strategy (2010) sets out the boroughs overall target for delivery of 43,275 new homes (2,885 a year) between 2010 and 2025. Policy DM3 in the Managing Development Document (2013) sets out more detailed guidance of how development can help to deliver new homes for existing and future residents of the borough.
- 10.11 Policy DM5 (2) (3) in the Managing Development Document (2013) states the redevelopment of any site which includes specialist and supported housing should re-provide the existing specialist and supported housing as part of the redevelopment unless it can be demonstrated that there is no longer an identified need for its retention in the current format. New specialist and supported housing will be supported where it meets relevant guidance for this form of accommodation and it can be demonstrated that there is a need for its use. Further to this, Core Strategy policy SP02.7c seeks to facilitate appropriate supported housing in the borough.
- 10.12 Policy DM8.2 requires development proposals to re-provide existing community facilities as part of any redevelopment should the proposal adversely impact on existing health, leisure and social and community facilities.
- 10.13 The application site carries no site-specific policy designations but is located within close proximity to Roman Road district centre.
- 10.14 The proposal involves the part redevelopment of the site to provide a total of 60 apartments for use as 'sheltered accommodation'.
- 10.15 The existing building consists of 32 x flats of which 31 are 1 bed units and 1 is a 3 bed unit. A total of 28 new apartments are proposed. Of the existing 32 apartments, 4 units will be remodelled but it remains as a one bed unit.
- 10.16 The proposal will result in a net gain of 28 new units and the site will retain and re-provide the existing housing on site. The proposal is considered to comply with DM5.2 of the Managing Development Document which requires the re-provision of specialist and supported housing as part of the redevelopment.
- 10.17 Further to the above, the applicant has demonstrated that there are currently 137 applicants registered for sheltered housing (who are 55+) as per Tower Hamlet's records. In addition, there is a further 102 applicants aged 55+ registered for sheltered housing. DM5.3 states that new specialist and supported housing will be supported where it meets relevant guidance for this form of accommodation and it can be demonstrated that there is a need for its use. The above figures clearly demonstrate that demand is higher than the current supply. The proposal by providing an additional 28 new apartments will help to address this local deficiency and is therefore considered to be comply with policy DM5.3.

- 10.18 In terms of the demolition and replacement of community facilities, this aspect of the proposal complies with Policy DM8.2, which requires re-provision of existing facilities as part of any redevelopment. The proposal will re-provide and improve upon the facilities on site currently.
- 10.19 Neighbours have raised concerns regarding the potential overdevelopment of the site. The site has a PTAL rating of 2 and due to the surrounding development density and proximity to Roman Road district centre is in an 'urban' setting.
- 10.20 Table 3.2 of the London Plan sets the appropriate density ranges for sites. Sites in urban settings with a PTAL rating of 2 are considered to optimise the site if they fall between 200-450hr/ha. The case officer has calculated the application site to have a density of 397 hr/ha and whilst toward the higher end of this range, the proposal will not result in overdevelopment of the site. In addition, the proposal does not display other possible manifestations of overdevelopment such as loss of light to neighbours, poor standard of accommodation, poor layout etc.
- 10.21 No objection in principle is raised in land use terms to the redevelopment of the application site for sheltered accommodation. Subject to conditions, officers consider that the proposed one bedroom flats would be acceptable and it would increase the overall supply of housing accommodation within the borough in particular sheltered housing, which accords with Policy 3.8 of the London Plan 2011, Policy SP02 of the Core Strategy (2010), Policy DM3 and DM5 of the Managing Development Document (2013). These policies seek to encourage appropriate amount of specialist and supported housing to cater for vulnerable and elderly individuals.

Design and appearance

- 8.49 The National Planning Policy Framework attaches great importance to the design of the built environment. In accordance with paragraph 58 of the NPPF, new developments should:
- function well and add to the overall quality of the area,
 - establish a strong sense of place, creating attractive and comfortable places to live,
 - respond to local character and history, and reflect the identity of local surroundings and materials,
 - create safe and accessible environments, and
 - be visually attractive as a result of good architecture and appropriate landscaping.
- 8.50 Chapter 7 of the London Plan places an emphasis on robust design in new development.
- Policy 7.1 seeks creation of distinct, liveable neighbourhoods and requires new buildings to interface with surrounding land, improve access to social and community infrastructure, local shops and public transport. The character, legibility, permeability and accessibility of neighbourhoods should be reinforced.
 - Policy 7.2 seeks creation of an inclusive environment catering to the needs of all sections of the population, while policy 7.3 requires development to reduce the opportunities for criminal behaviour and to contribute to a sense of safety and security.

- Policy 7.4 requires development to respect local character - this should be achieved by a high quality design response informed by the surrounding historic environment and which has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass. Development should be human in scale, ensuring that buildings have a positive relationship with street level activity.
- Policy 7.5 the public realm should be secure, accessible, inclusive, and legible. Opportunities for greening should be maximised.
- Policy 7.6 specifies that in terms of assessing the architecture of a development as a whole the development should make a positive contribution to a coherent public realm, streetscape and wider townscape. It should incorporate the highest quality materials and design appropriate to the site's context.

8.51 The Council's policy SP10 sets out the broad design requirements for new development to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds. Further guidance is provided through policy DM24 of the Managing Development Document.

8.52 Policies SP09 and DM23 seek to deliver a high-quality public realm consisting of streets and spaces that are safe, attractive and integrated with buildings that respond to and overlook public spaces. The place making policy SP12 seeks to improve, enhance and develop a network of sustainable, connected and well-designed neighbourhoods across the borough through retaining and respecting features that contribute to each neighbourhood's heritage, character and local distinctiveness.

Site layout

8.53 The partial redevelopment of Vic Johnson House would retain a 'T' shaped building footprint. The existing building would also be extended to the east, taking in the current location of the warden's house and extending up to the enclosed play area to the east. The existing residential units will be retained in situ (except 4 units which are remodelled).

8.54 The main entrance would be relocated to Armagh Road, allowing the site to have a better relationship with the communal amenity areas and create more of an active street frontage. The new location at the front of the building will ensure the entrance is visually prominent. The vehicular drop offs will be as per the existing access arrangements with vehicles using the private road area to the north of the site and a secondary pedestrian access point into the rear of the site for residents using the parking bays to the north.

8.55 To further enhance the active frontage with Armagh Road, balconies will be located along this elevation with private front gardens for the individual units extending up the site boundary.

8.56 The building design seeks to balance the existing accommodation and the new accommodation whilst maximising the efficient use of the available space on the site.

8.57 At ground floor level, the communal facilities including a large residents' lounge and outdoor patio area will be located to the south of the site looking over the landscaped gardens. The staff office will be located adjacent to the front entrance and large foyer area as well as a motorised scooter store. Set centrally within the site will be a snug, hair salon, guest bedroom with ensuite and plant/cleaning cupboard. Three stair

cores and two lifts (one new lift and one existing lift which will be refurbished) are distributed across the site and will lead to the upper floor levels. Above ground floor level, no communal facilities will be provided other than laundry rooms/refuse chutes. The proposed redevelopment will improve the usability of the garden and the communal lounge.

- 8.58 Refuse storage is proposed within the site and this is from a similar location as in the existing situation i.e. from the private road to the north. A further smaller refuse store is proposed to the west of the site facing east into the private road area. A chute system will operate from the upper floor levels. The arrangements would ensure easy access from individual flats and ease of collection/removal off the site.
- 8.59 Currently on site, there is no cycle parking. The submitted Transport Statement demonstrates that 30 cycle parking spaces will be provided on site which is above the requirements set out in the London Plan for the new 28 units. These spaces will be used by staff and visitors to the site. There is a discrepancy within the planning submission with the landscape plan (APL010 Rev D) and the plan contained within Appendix D of the Transport Statement. Appendix D demonstrates a different layout, clearly accommodating 30 cycle spaces with 6 spaces (3 cycle stands) adjacent to the motorised scooter store and 24 cycle spaces (12 cycle stands) adjacent to the drying area. As there is clearly space within the site and this has raised no objection from the highways officer, and details can be conditioned.

Height, scale and massing

- 8.60 The building heights in the local area range from one to six storeys. The tallest is two blocks directly to the west and north-west of the site on the opposite side of Armagh Road (Nos. 81-127 and Nos. 129-223).
- 8.61 The redeveloped parts of the building would be subject to an increase in scale and massing. In particular, the Armagh Road frontage would be increased from single storey terrace with a series of mono-pitched roofs to a four-storey flat roofed block. The building fronting Armagh Road increases in width, with the buildings perpendicular being set behind an area of car parking. As such it is considered that the streetscene could accommodate the proposed additional scale and bulk.
- 8.62 Whilst this part of the scheme would be visible in views into and out of the Roman Road Conservation Area, it would be seen in the context of other somewhat taller and bulkier buildings and, subject to appropriate architectural treatment and materials (discussed in the next section), it is not considered to have an unacceptable impact on the setting of the conservation area to the south.
- 8.63 The eastern end of the building would also be redeveloped, with the existing warden's house being demolished and replaced with a three storey extension to the main building. This would extend the main building right up to the boundary with the adjacent play area. High level windows have been proposed to add variation to this elevation rather than presenting the enclosed play area with a blank façade.
- 8.64 It is considered that the overall height and massing of the proposed development have been sensitively designed and would relate well to the established prevailing building heights in the surrounding area with the tallest points fronting Armagh Road (in the centre of the proposal) and reducing in height toward the lower scale residential properties adjoining this. The proposed new entrance on Armagh Road (and balcony/garden spaces fronting Armagh Road) will have street prominence and

will provide an active frontage to stimulate street activity and overlooking, in line with policy SP12, Delivering Place making.

- 8.65 In summary, the design of the proposed development would be appropriate in terms of layout, height and scale and would relate well to the surrounding streets, the existing buildings, their layout and townscape. It is considered that the proposal would be sensitive to and would enhance the local character and setting of the development, in accordance with policy DM24 of the MDD 2013.

Safety and security

- 8.66 The applicant has engaged with the Metropolitan Police while developing this scheme. The proposal on the whole has been developed in accordance with the principles of Secured by Design (SBD). The scheme would deliver significant benefits in terms of safety and security by providing active frontages to Armagh Road and to the north of the site which the site does not benefit from currently.
- 8.67 However, the Metropolitan Police have outlined their main concerns with this scheme, in terms of height of trees and doors from storage spaces providing access into the application site. Both of these matters can be controlled and further information secured by way of condition.
- 8.68 Overall officers are confident that this scheme would properly take into account secured by design requirements, improve safety and security in the location of the site and elsewhere and would not introduce undue risk of crime to future occupiers and users of the community facilities as a result of detailed design. With the benefit of further details that will follow with the submission and compliance with a Secured by Design accreditation condition, it is considered the scheme can ensure the safety and security of in line with the requirements of Policy DM 23 of the MDD.

Architectural appearance

- 8.69 Revised drawings have been provided due to initial objections from the design officer. The revised proposals include significantly less materials with brick forming the predominant material for the proposal in order to match up with the retained main body of the building.
- 8.70 In terms of the new element fronting Armagh Road this will be constructed of a buff brick with feature elements (projecting and recessed bricks) to give texture. The projecting balconies will use reconstituted stone for the balustrading and the downpipes, gutters, balcony posts, windows and copings will all be powder coated in a grey colour. To give some variety to the front elevation, cladding will be used consisting of wood effect infill panels and Alcobond grey panelling. In terms of the extension element to the east, this will use a red brick (Hadley Brinde) to match the existing brick.

Landscaping

- 8.71 The landscaping proposals have been well thought out and fully integrated within the scheme, and would be of high quality. The main communal areas will be to the south within a garden area to be used by the residents. There will be a large proportion of grass lawns with pathways leading to vegetable gardens, summer houses, water features and herb gardens. There are plenty of sitting out areas which allow residents interaction with the garden area.

- 8.72 There are also designated areas for cycle parking, motorised scooter parking and drying areas within the proposed landscaping scheme. The proposal will introduce several trees and this is discussed in the following section. The biodiversity matters are discussed in the 'biodiversity' section of the report.

Loss of trees

- 8.73 In terms of trees, the Council would seek to resist any loss on a development site. London Plan policy 7.21 on trees and woodlands seek to ensure that trees should be protected, maintained and enhanced. Existing trees of value should be retained. Policy DM24 seeks to ensure that features of positive value are protected within a development site. Paragraph 24.4 of that policy, elaborates on this policy and states that features of positive value can include those relating to the natural environment, such as biodiversity assets and the built environment. The planting and provision of new trees within a proposed landscaped plan is also highly supported.
- 8.74 There are six trees within the red line boundary of the site (as identified in the Tree Survey Report). In addition, a further tree is located to the north west of the site (on Armagh Road) in close proximity to the private road and three trees located within the parking area to the north which are not within the applicant's ownership. None of the trees are subject to a Tree Preservation Order (TPO).
- 8.75 According to the landscaping plan, two trees will be retained including one large Whitebeam in the south west corner of the site and a crab apple located at the centre of the site. These are both 'category B' trees (defined as trees of moderate quality). A smaller Whitebeam (also a 'category B' tree) is located next to the larger Whitebeam and this smaller Whitebeam will be removed as part of the proposal.
- 8.76 The remaining trees are 'Category C' trees and are therefore of low quality. There are no 'Category A' trees on the site (trees of high quality).
- 8.77 The proposal involves the introduction of 17 new trees around the site, of which 10 will be located within the communal accessible areas, predominantly to the south of the site. The biodiversity officer will be seeking a good mix of native trees and the type of trees to be planted can be controlled by way of a landscaping condition.
- 8.78 On balance, officers are satisfied that the loss of the four trees which are with the exception of one tree are Category C trees given the proposed planting of 17 trees. Overall, the tree canopy cover would be greater with the replacement trees than is currently the case on site given that there are more trees as a result of the development than in the existing situation.

Conclusion

- 8.79 Overall and in line with policies, officers consider the scheme to be of good quality in general architectural and urban design terms. The scheme would respond well to Armagh Road by providing an active frontage and the proposed design of the development would be supported subject to necessary conditions to secure quality materials. The overall response to access and inclusion would also be broadly supported.
- 8.80 To conclude, the proposed development is acceptable in terms of design, scale and appearance. As such, the scheme is in line with policies 7.1 and 7.6 of the LP (2011), Policy SP10 of the adopted CS (2010), and policies DM24 and DM26 of the MDD (2013), which seek to ensure buildings are of a high quality design and suitably

located. Furthermore, the scheme is considered to deliver high quality design, enhancing the street scene and local context and would accord with government guidance as set out in the NPPF, policies 7.8 and 7.9 of the London Mayor's LP (2015), Policy SP10 of the adopted CS (2010), and policies DM23 and DM24 of the MDD (2013), which seek to ensure an acceptable standard of design.

Housing

- 10.22 Increased housing supply is a fundamental policy objective at local, regional and national levels. A key component of housing supply is the provision of affordable housing. London Plan Policy 3.12 requires that the maximum reasonable amount of affordable housing be sought when negotiating on residential schemes. This 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.
- 10.23 Policy SP02 of the Core Strategy 2010 states that new housing development should provide a mix of unit sizes where appropriate and include a substantial proportion of family dwellings. MDD Policy DM3 'Delivering Homes' promotes housing choice and requires development to provide a balance of family housing (3 beds +) in the social rented, intermediate and private sales components at 45%, 25% and 20% respectively.
- 10.24 Core Strategy Policy SP02 sets out the borough's affordable housing targets that 35-50% of homes should be affordable housing subject to viability. The Local Plan targeted tenure split within the affordable component is 70:30 (affordable rented: intermediate). This is reflected at MDD Policy DM3 which also sets out the requirement for maximising delivery of on-site affordable housing.
- 10.25 Whilst it is noted that the proposal fails to deliver any family units, or a mix of units and sizes generally, officers have taken account of this scheme delivering specialist housing which consist of one bedroom flats as sheltered accommodation for the over 55's. The proposed tenure mix is a continuation of the existing housing mix provided by the housing association and is considered appropriate in this instance. In addition, it has been confirmed by the applicant that all the new units will be affordable rents as agreed with the Council. There will also be no change to the existing rent paid by existing residents at Vic Johnson.
- 10.26 A condition is recommended to ensure that the proposed units are used as sheltered accommodation in accordance with the existing use at Vic Johnson House and the rent levels for existing and future residents.
- 10.27 Core Strategy Policy SP02 and MDD DM3 and the Mayor's Accessible London SPG require that 10% of all units are designed to be wheelchair accessible or easily adaptable for wheelchair users. Policy DM3 advises that this can be measured as 10% of habitable rooms.
- 10.28 There will be 4 designated wheelchair apartments located at ground and first floor which can be accessed by several lifts. The designated wheelchair apartments are no. 4, 12, 20 and 29. In addition, all of the new apartments are wheelchair accessible and can therefore be adapted to individual resident's needs as required. All units will meet the Lifetime Homes Standards.

Quality of accommodation & impact on neighbours

- 10.29 London Plan 2015 Policy 3.5 requires housing developments to be of the highest quality internally and externally. Local Plans should incorporate minimum spaces standards that generally conform with Table 3.3. Designs should take account of factors relating to 'arrival' at the building and the 'home as a place of retreat', with adequately sized rooms and convenient and efficient room layouts. Guidance on these issues is provided by the Mayor's 'Housing' SPG 2012.

Housing standards

- 10.30 MDD Policy DM4 'Housing Standards and Amenity Space' requires all new developments to meet the internal space standards set out in the document.
- 10.31 Due to the nature of the proposal, all the 'new' units exceed the minimum space standards set out in the London Plan, Policy DM4 of the Council's MDD and the Mayor's Housing SPG. The 'new' units all measure 52sqm.
- 10.32 The existing and remodelled units measure 42sqm in size as per the existing situation.
- 10.33 In terms of the wheelchair designated apartments, these will measure 65sqm which is significantly above the standards.

Amenity space

- 10.34 The London Plan and the MDD also require private amenity space to be provided at 5 sq. m. per 2-person dwelling and an extra 1 sq. m. per additional bedroom. Communal amenity space should be provided at a minimum of 50 sq. m. for the first 10 dwellings and 1 sq. m. for every additional unit.
- 10.35 The proposed flats would all be provided with private amenity space in the form of balconies. The wheelchair designated units will be provided with larger private balcony spaces to facilitate wheelchair manoeuvring.
- 10.36 In terms of communal amenity space, the communal amenity space to the south measures 961.7 sq. m. On the basis of 28 'new' units, 68qm of communal amenity space is required. It is noted that there are existing flats on the site who currently have access to the large communal amenity space to the rear. Given the size of the communal amenity space proposed, it is considered that both existing and new flats can be adequately accommodated.
- 10.37 Due to the nature of the proposal, there will be no requirement to provide child playspace on this site.

Dual / Single aspect dwellings

- 10.38 The Mayor's 'Housing' SPG Standard 5.2.1 says developments should avoid single aspect dwellings that are north facing, exposed to noise levels above which significant adverse effects on health and quality of life occur, or contain three or more bedrooms. The SPG adds that: *'Where possible the provision of dual aspect dwellings should be maximised in a development proposal.'*
- 10.39 The majority of the new units will be single aspect (20 of 28 units). This is due to the retention of the site's existing form and connection to the retained main body of the

building. The scheme would be consistent with the general form of development at the site currently and the existing single aspect units to be retained.

- 10.40 The SPD states that *'North facing single aspect dwellings should be avoided wherever possible.'* *'North facing'* is defined as an orientation less than 45 degrees either side of due north. In terms of the new units 6 single aspect units would face north on to the private road area and because of this, the 6 units would be set within a fairly open area. Given, the site constraints in terms of including additional units on site without detrimental impact on neighbours and the fact that all the existing north facing units are single aspect, this is acceptable in this instance. Several units will face Armagh Road and the remaining new units would face the internal communal amenity space which would be a positive high quality view and orientation enhancing their amenity.
- 10.41 In terms of the daylight and sunlight provision to the new flats, the planning application is supported by a Daylight and Sunlight Assessment by BLDA Consultancy that assessed the impact of, and conditions within, the proposed development against the guidance provided by the Building Research Establishment (BRE). The BRE Guidebook is accepted by the industry as best practice. The submitted assessment was reviewed for the Council by BRE (dated 21st August 2015). The BRE report states the following:

Daylight provision to the new flats in Vic Johnson House would be adequate. 6 out of 15 new living rooms are north facing and would not meet the BS guidelines on sunlight provision. These are on the north side of the extended wing to the east. There are site constraints here if the new part of the development is to fit with the existing building, so this level of sunlight provision is probably reasonable.

The main omission in the BLDA report is that it has not considered loss of daylight and sunlight to those parts of Vic Johnson House that themselves are unchanged before and after redevelopment. As the western flank of the building is increasing in height, existing rooms with a view of this flank will lose daylight and, on the south side of the building, sunlight. Loss of light to these rooms should therefore be analysed.

- 10.42 The applicant has submitted an Addendum Daylight and Sunlight Assessment to address the omissions and it has been found that the existing apartments generally meet the relevant standards.
- 10.43 Taking the above matters into consideration, it is considered that the development would be compliant with the Mayor's SPG in terms of aspect.

Sunlight and daylight impact on neighbours

- 10.44 Core Strategy Policy SP10 'Creating Distinct and Durable Places' & MDD Policy DM25 'Amenity' require development to protect the amenity of adjoining development and provide satisfactory conditions for future occupants. This includes provision of adequate levels of daylight and sunlight.
- 10.45 The planning application is supported by a Daylight and Sunlight Assessment by BLDA Consultancy that assessed the impact of, and conditions within, the proposed development against the guidance provided by the Building Research Establishment (BRE). The BRE Guidebook is accepted by the industry as best practice. The submitted assessment was reviewed for the Council by BRE (dated 21st August 2015).

10.46 There are some errors in numbering of the properties; however, the following properties have been assessed:

- 76 Armagh Road
- 79 Armagh Road
- 81, 83, 85, 87, 89, 91, 93, 95 Armagh Road
- 35 Annie Besant Close
- 46 Armagh Road and 91-98 Armagh Road

10.47 The BRE Report states:

10.48 *Loss of daylight and sunlight to the neighbouring buildings analysed would be within the BRE guidelines. This includes 46, 76, 79, 81-95 and 129-159 Armagh Road, 35 Annie Besant Close and 93 and 98 Usher Road. Loss of light to other dwellings nearby, including 22-34 Annie Besant Close and those in Parnell Road, would also be expected to meet the BRE guidelines.*

10.49 *Loss of sunlight to existing amenity areas, including the rear gardens of nearby dwellings, the basketball court to the east, and the garden of Vic Johnson House itself, would be within the BRE guidelines.*

10.50 Overall it can be concluded that the daylight and sunlight impact of the new development on its surroundings would be small and not significant.

Privacy

10.51 MDD Policy DM25 stipulates that a distance of 18 m. between opposing habitable rooms reduces inter-visibility to a degree acceptable to most people.

10.52 As noted previously, the site is separated from the adjoining buildings by some distance which gives a rather open feel to the site.

10.53 The dwellings to the north within Annie Bessant Close will achieve a 31 metre separation distance with the extended element to the east. The rear of the properties within Parnell Road will achieve a separation distance of 28 metres with the extended block to the east. In order to protect users of the enclosed play area, only high level windows are proposed to habitable rooms on this elevation. Other windows within this elevation serve corridors and non-habitable rooms.

10.54 In terms of the properties to the new build properties to the south and east, none of these properties have any windows on their northern and southern elevations.

10.55 Finally, in terms of the properties on the western side of Armagh Road, no. 79 is the closest property and has a separation distance from the curved entrance (and kitchen/lounges above) of 22m. On the western side of no. 76 Armagh Road, this property has a separation distance of 19m.

10.56 It is considered by officers that the proposal has been sensitively designed to protect the privacy of neighbours.

Highways & Transport

- 10.57 London Plan polices 6.1, 6.3, 6.9, 6.10, 6.13, Tower Hamlets Core Strategy Policy SP09 and MDD Policies DM20 and DM22 seek to promote sustainable modes of transport by reducing car-parking and improving public transport.
- 10.58 The site scores PTAL 2 which is 'poor'. The London Plan and the Council's parking standards are expressed as maximums and do not require car parking unless it can be demonstrated that the poor accessibility of a site justifies provision. This is not the case at the application site as Armagh Road has night time parking occupancy of 88% and is therefore 'stressed' as it exceeds the 80% level. Therefore on this basis, the scheme would be 'car free'. In addition, it is noted that the site continues to have access in the proposed situation to the existing car parking outside the red line boundary to the north of the site where there are six car parking spaces which are designated for visitors. Designated disabled parking is also provided along Armagh Road. This level of provision complies with MD DPD policy DM22.
- 10.59 In terms of pick up and drop offs, these will occur as per the existing situation at the rear entrance with access from the private road to the north.
- 10.60 Cycle parking would be provided in accordance with the London Plan Table 6.3 at one space for each 1 bed dwelling. Currently on site, there is no cycle parking. The submitted Transport Statement demonstrates that 30 cycle parking spaces will be provided on site which is above the requirements set out in the London Plan for the new 28 units. These spaces will be used by staff and visitors to the site. There is a discrepancy within the planning submission with the landscape plan (APL010 Rev D) and the plan contained within Appendix D of the Transport Statement. Appendix D demonstrates a different layout, clearly accommodating 30 cycle spaces with 6 spaces (3 cycle stands) adjacent to the motorised scooter store and 24 cycle spaces (12 cycle stands) adjacent to the drying area. As there is clearly space within the site and this has raised no objection from the highways officer, this can be conditioned. The proposal complies with London Plan policy 6.3.
- 10.61 Refuse servicing is proposed within the site and this is from a similar location as in the existing situation i.e. from the private road to the north. a further smaller refuse store is proposed to the west of the site facing east into the private road area. A chute system will operate from the upper floor levels. The arrangements would ensure easy access from individual flats, ease of collection/removal off the site and have not raised an objection from the highways officer or waste officer.
- 10.62 The application proposes the introduction of a motorised scooter store which is located to the south of the site. In addition, each of the new properties includes suitable storage space for motorised scooters within the main entrance area. This is welcomed as it would provide the existing and future residents with greater flexibility and choice of travel.
- 10.63 Finally, highways officers have requested that conditions are attached to the decision notice for a Construction Management Plan and a scheme of highways improvement works (s278 agreement) prior to commencement of development. These conditions are recommended by officers.

Energy

- 10.64 The NPPF encourage developments to incorporate renewable energy and to promote energy efficiency.

- 10.65 London Plan 2015 Chapter 5 deals with London's response to climate change and Policy 5.1 seeks to achieve an overall reduction in carbon dioxide emissions of 60% below 1990 levels by 2025. Policy 5.2 sets out the Mayor's energy hierarchy to:
- Be lean: Use Less Energy
 - Be clean: Supply Energy Efficiently
 - Be Green: Use Renewable Energy
- 10.66 London Plan Policy 5.2 requires major development, both residential and non-domestic, to achieve a minimum improvement in CO2 emissions 40% above Part L of the Building Regulations 2010 in years 2013-2016. From 2016 residential buildings should be zero carbon.
- 10.67 Tower Hamlets Core Strategy Strategic objective SO3 seeks to incorporate the principle of sustainable development including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. Core Strategy Policy SP11 reiterates the Mayor's CO2 reduction targets and requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.
- 10.68 MDD Policy DM29 reiterates the London Plan targets except it increased the savings target for residential buildings to 50% above Building Regulations 2010 during years 2013-2016. This is now interpreted to mean 45% above Building Regulations 2013.
- 10.69 In April 2015, the Greater London Authority released new guidance 'Greater London Authority guidance on preparing energy assessments' which says the Mayor will adopt a flat carbon dioxide improvement target beyond Part L 2013 of 35% to both residential and non-residential development.
- 10.70 The applicants submitted energy strategy follows the energy hierarchy and seek to minimise CO2 emissions through the implementation of energy efficiency measures, CHP installation and a PV array (45 kWp).
- 10.71 Based on the current proposals, the proposal will meet the required reduction as per DM29 of the MDD of 50% and no financial cash in lieu contribution for carbon offsetting is required. The submitted Energy Strategy demonstrates that a 52.8% reduction can be achieved. It is recommended that this is conditioned to ensure that the Energy Strategy achieves that which it sets out.

Flood risk

- 10.72 The NPPF says the susceptibility of land to flooding is a material planning consideration. The Government looks to local planning authorities to apply a risk-based approach to their decisions on development control through a sequential test. This is reflected in London Plan Policy 5.15 'Flood Risk Management' and Core Strategy Policy SP04 5 within 'Creating a Green and Blue Grid.'
- 10.73 The Environment Agency Flood Map shows that the site is located in Flood Zone 1 which comprises land assessed as having less than 0.1% (1 in 1000) annual probability of flooding from fluvial or tidal sources i.e. low probability. The submitted Flood Risk Assessment finds that the site has a low probability of flooding from all other potential sources including groundwater and surface water.

- 10.74 As noted in the consultation section of the report, the SUDS officer has requested conditions in relation to surface water drainage details and maintenance of SUDS/attenuation features maintained for the lifetime of the development.
- 10.75 The NPPG confirms that areas within Flood Zone 1 have no constraints on development other than the need to ensure that the development does not increase run-off from the site to greater than that from the site in its undeveloped or presently developed state. It is not considered such circumstances apply and the development is compliant with national and development plan policy concerning flood risk.

Biodiversity & Ecology

- 10.76 Core Strategy SP04 concerns 'Creating a green and blue grid.' Among the means of achieving this, the policy promotes and supports new development that incorporates measures to green the built environment including green roofs and green terraces whilst ensuring that development protects and enhances areas of biodiversity value.
- 10.77 MDD Policy DM11 addresses 'Living buildings and biodiversity.' Policy DM11-1 requires developments to provide elements of a 'living buildings' which is explained at paragraph 11.2 to mean living roofs, walls, terraces or other building greening techniques. DM11-2 requires existing elements of biodiversity value be retained or replaced by developments.
- 10.78 The application is supported by a Preliminary Ecological Assessment consisting of an ecological desk study and a walkover survey. The site is dominated by the existing building and amenity grassland lawns. In addition, there is also hardstanding, trees, shrub planting, allotment area and a species-poor hedgerow around the majority of the perimeter of the site. The Assessment finds the site supports habitats and overall the proposals would not isolate or fragment any valuable habitat with no habitat loss.
- 10.79 The application includes a range of biodiversity enhancements. For instance, soft landscaping (shrubs, herbaceous planting, trees, new mixed native hedge) in addition to lawn spaces and bird and bat boxes. The applicant has also agreed to a biodiverse green roof on the flat roof frontage of Armagh Road). It is considered that the redevelopment would not have an effect on the nature conservation value of the site or indeed the wider landscape and that the planning strategy for these spaces would enhance biodiversity consistent with the development plan. These elements should be secured by way of a condition.
- 10.80 Both Daytime bat surveys and two further emergence surveys were undertaken at the site (the main building and the warden's lodge) due to the concerns raised by the biodiversity officer and as reported in the Preliminary Ecological Assessment. Whilst the potential for bats is high, the surveys found no evidence of protected species including bats in the existing buildings and no bat roosts were found. On this basis of no bat activity during the three surveys, the proposal is acceptable. However, due to the high potential for the site to be used by bats in the future a condition regarding a precautionary bat survey if demolition or works to the building doesn't start by April 2017 is recommended.

Community Infrastructure Levy and Planning Obligations

- 10.81 Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure. The Council's 'Planning

Obligations' SPD sets out in more detail how these impacts can be assessed and appropriate mitigation.

10.82 NPPF paragraph 204 states that planning obligations should only be sought where they meet the following tests:

- (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

10.83 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.

10.84 On 25th February 2015, Full Council agreed to adopt the borough's Community Infrastructure Levy Charging Schedule. The CIL was introduced on 1st April 2015.

10.85 Given that the proposal is for affordable sheltered housing accommodation, the proposal is likely to be exempt from Borough's and the Mayoral CIL through application for CIL relief.

10.86 In relation to the planning obligations, the introduction of the Council's CIL has necessitated a review of the Council's Planning Obligation SPD 2012 that provided guidance on the use of planning obligations in Tower Hamlets. The SPD was approved for public consultation by the Mayor in Cabinet on 8th April 2015 that was carried out between the 27th April 2015 and the 1st June 2015 in line with the Council's Statement of Community Involvement.

10.87 The boroughs four main priorities remain:

- Affordable Housing
- Employment, Skills, Training and Enterprise
- Community Facilities
- Education

10.88 The borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

10.89 The development would place additional demands on local infrastructure and facilities including health facilities, Idea stores and libraries, leisure and sport facilities, transport facilities, public open space and the public realm.

10.90 Tower Hamlets Community Infrastructure Levy Regulation 123 List sets out those types of infrastructure (including new provision, replacement or improvements to existing infrastructure, operation and maintenance)* that the Council intends will be, or may, be wholly or partly funded by CIL:-

- Public education facilities
- Community facilities and faith buildings
- Leisure facilities such as sports facilities, libraries and Idea Stores
- Public open space

- Roads and other transport facilities
- Health facilities
- Employment and training facilities
- Strategic energy and sustainability infrastructure
- Strategic flood defences
- Electricity supplies to all Council managed markets
- Infrastructure dedicated to public safety (for example, wider CCTV coverage)
- Strategic public art provision that is not specific to any one site

*Except (inter alia): Where the need for specific infrastructure contributions is required to make the development acceptable in planning terms and in accordance with the statutory requirements and site specific carbon reduction measures/initiatives.

10.91 Affordable housing is not chargeable development for either the Mayoral or the borough's CIL. The Tower Hamlets Planning Obligations SPD 2012 & the Draft SPD 2015 apply to market housing.

10.92 The applicant has agreed to the following financial contributions to the borough:

- (a) A contribution of £10,572 towards providing employment & training skills for local residents.
- (b) A monitoring fee in line with the emerging Planning Obligations SPD £3,000 contribution towards monitoring and implementation (based on a charge of £500 per principle clause).

Total: £13,572

10.93 Non-Financial Obligations:

- (a) Secure rent levels at Council's affordable rents for new residents
- (b) Secure no changes in rent level for existing residents
- (c) Employment and Training Strategy including access to employment (20% Local Procurement and 20% Local Labour in Construction).
- (d) Minimum of 4 apprenticeships are expected to be delivered during the construction phase
- (e) On-street parking permit free.
- (f) Any other planning obligation(s) considered necessary by the Corporate Director Development Renewal.

10.94 It is considered that the proposed agreement meets the CIL Regulation 122 tests being necessary to make the developments acceptable in planning terms, directly related to the scheme, fairly and reasonably related in scale and kind, compliant with the NPPF, local and regional planning policies and the terms and spirit of the emerging Tower Hamlets Planning Obligations SPD 2015.

Other Local Finance Considerations

10.95 Section 70(1) of the Town and Country Planning Act 1990 (as amended) provides:

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

- a) The provisions of the development plan, so far as material to the application;

- b) Any local finance considerations, so far as material to the application; and
- c) Any other material consideration.”

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

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

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

10.98 Members are reminded that that Affordable housing is not chargeable development for either the Mayoral or the borough’s CIL. The Tower Hamlets Planning Obligations SPD 2012 & the Draft SPD 2015 apply to market housing.

Human Rights Act 1998

10.99 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. The following are highlighted to Members.

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

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

10.101 This report itemises the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the local planning authority.

10.102 Were Members not to follow Officer’s recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights would be legitimate and justified.

10.103 Both public and private interests are to be taken into account in the exercise of the local planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must carefully consider the balance to be struck between individual rights and the wider public interest.

10.104 The Act takes into account any interference with private property rights to ensure that the interference is proportionate and in the public interest. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered and it is considered that any interference with Article 8 rights (by virtue of any adverse impact on the amenity of homes) is in accordance with law and necessary in a democratic society in the interests of the economic well-being of the country.

Equalities Act 2010

10.105 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 and sex 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.

10.106 The following issues arising from the development are relevant to equalities:

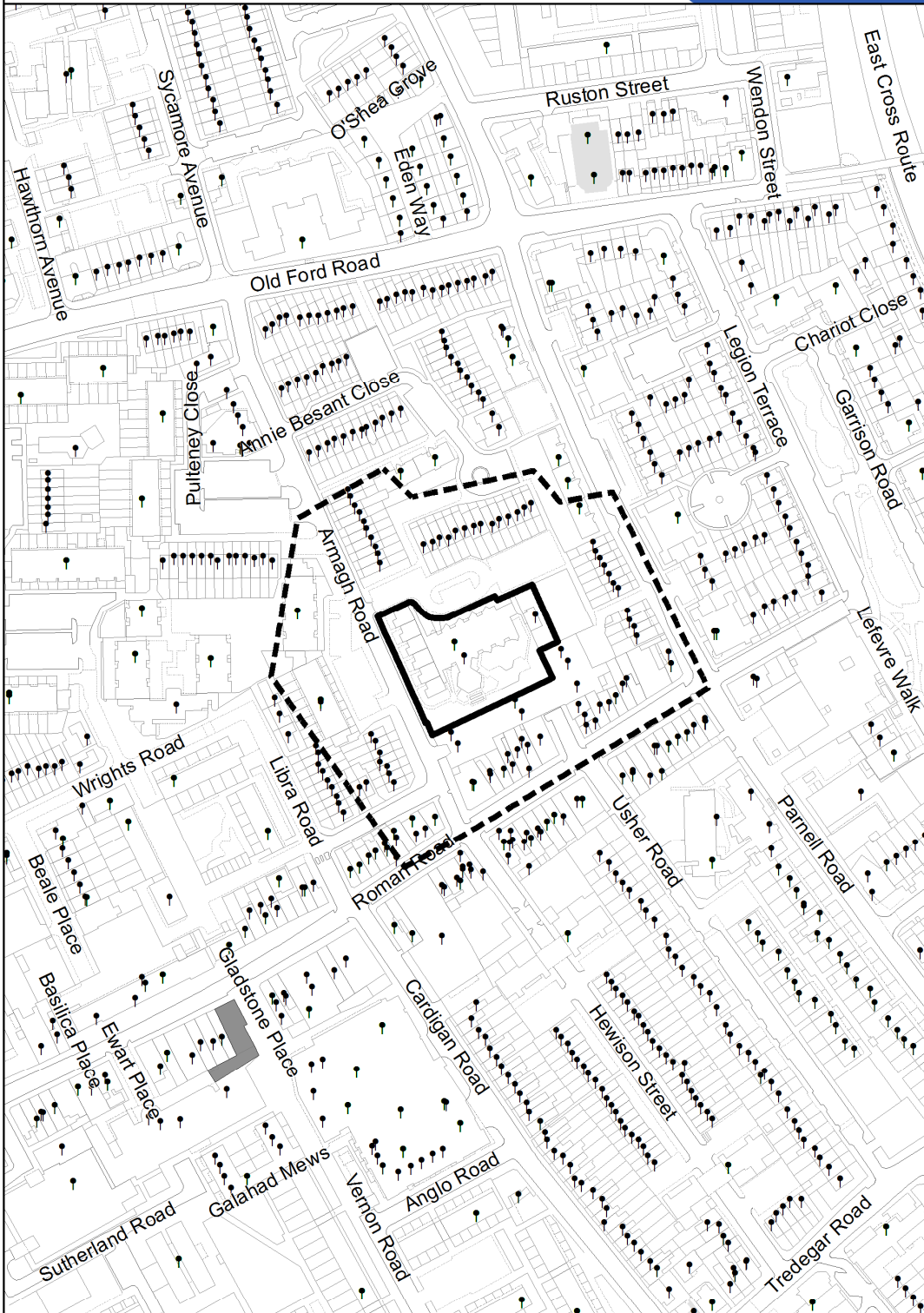
- The requirement to use local labour and services during construction enables local people to take advantage of employment opportunities;
- The proposed affordable housing would support community wellbeing and social cohesion;
- The development allows for an inclusive and accessible environment for less-able and able residents and visitors;
- Conditions are recommended to secure wheelchair adaptable/accessible homes;

10.107 It is the view of officers that the grant of planning permission would advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it.

11. CONCLUSION

11.1 All other relevant policies and considerations have been taken into account. Planning permission should be GRANTED for the reasons set out in the EXECUTIVE SUMMARY and MATERIAL PLANNING CONSIDERATIONS sections and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Planning Application Site Map
PA/15/01601



Planning Application Site Boundary	Locally Listed Buildings	Land Parcel Address	
Consultation Area	Statutory Listed Buildings	0 30 m	

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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