

Appeal Decision

Site visit made on 3 August 2016

by G Rollings BA(Hons) MA(UD) MRTPI

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

Decision date: 14 February 2017

Appeal Ref: APP/E5900/W/16/3149198

Vic Johnson House, Armagh Road, Bow, London, E3 2HT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Gateway Housing Association against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/15/01601, dated 4 June 2015, was refused by notice dated 18 December 2015.
 - The development proposed is 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 landscaped gardens. The proposed use remains as existing. The scheme is on part 2, part 3 and part 4 storeys.
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Decision

1. The appeal is allowed and planning permission is granted for 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 landscaped gardens at Vic Johnson House, Armagh Road, Bow, London, E3 2HT in accordance with the terms of the application, Ref PA/15/01601, dated 4 June 2015, subject to the conditions set out in Annex A of this decision letter.

Procedural Matter

2. A Unilateral Undertaking was submitted by the appellant in August 2016, following my site visit. The Council has had the opportunity to comment, and I have considered this as part of the fourth main issue, set out below.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the area, including the setting of the nearby conservation area;
 - Whether the proposed development would provide satisfactory living conditions for residents, with regard to indoor communal lounge space and communal outdoor space;
 - The effect of proposed development's construction phase on the living conditions, health, and welfare of residents; and
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- Whether the proposal makes adequate provision for any additional need for affordable and wheelchair housing, employment and skills training, and parking demand arising from the development.

Reasons

Character and appearance

4. The appeal site accommodates 32 self-contained flats with accommodation restricted to people over 60 years of age. The majority of the flats are contained within a single three-storey building, set perpendicularly with Armagh Road. An attached single-storey element, located parallel and adjacent to the road, accommodates six flats, and a separate unit is located within a self-contained building to the rear of the main building. The accommodation also contains managed internal communal areas, with outdoor communal space to the south of the main building, and parking and vehicular circulation areas to the north, adjacent to the building's main entrance.
5. The appeal proposal includes the retention of the existing flats and the creation of 28 new flats. The existing three-storey building would be extended to the rear of the site, occupying the present location of the separate flat. Most of the new accommodation would be in the space presently occupied by the single-storey element. This part of the development would comprise a four-storey, street-facing building including a new main entrance and indoor communal facilities. The external communal area would be re-landscaped. There would be some renewal of the existing elevations, with the new-build elements integrated to the main building and incorporating a contemporary appearance.
6. Both main parties agree that there is a variety of building types and designs within the street scene and surrounding area. This includes variation in the heights of buildings, noticeably a series of flatted buildings facing the site across Armagh Road. Development immediately abutting the site to the north and south incorporates two- and three-storey buildings. The variation also extends to street setbacks. The proposed four-storey element of the scheme would have only a small setback from the road edge, like that of the single-storey part of the existing building.
7. I acknowledge the Council's concerns regarding the immediacy of the proposed extension and its impact on the street scene, but note that although the taller six-storey blocks across the road have a greater street setback than what is proposed, a reasonably wide distance would be retained between these existing, and the proposed, buildings. Indeed, there is a more significant visual 'pinch-point' a short distance to the south of the site, where tall buildings abut both sides of Armagh Road, and in this context the proposed building would appear appropriate and not out of character.
8. In the important view northwards along the street from the Roman Road Market Conservation Area, the street scene includes existing varied street setbacks, and tall buildings in the background. The proposed building would replace the single-storey part of the existing building, which currently appears incongruous in the context of the taller surrounding buildings, as the existing single-storey accommodation and setback of the larger portion of the building results in a visual 'void' area within the street scene. Further to the north, there are new four-storey buildings with a minimal street setback, similar to what is proposed, as well as existing three-storey buildings close to the street.

Accordingly, the proposed building will not have a detrimental impact, and appear appropriate within this lively and varied existing urban context.

9. The proposed materials would contribute to the modern appearance of the extensions, and would vary along the new elevations, providing a contrast with the retained parts of the building. I have taken into account the Council's earlier concerns regarding the proposed variety of cladding styles and materials to be used, but consider that the varying approaches to be used on different parts of the building would positively contribute to its legibility. This includes unique materials on the entrance element of the building and repeated patterns on the larger front elevation which would provide a rhythm in appearance along its length. Furthermore, the wide variation in the appearance, age and ornamentation of buildings within the immediately surrounding area has led to an absence of unifying or predominant character elements, and as such, the proposed building would not be out of character.
10. The proposed design would enable a sufficient distance to be retained between the building and the boundary of the conservation area along the appeal site's southern boundary, and would not appear overbearing or dominate buildings or views towards, or from within, the area. I therefore conclude that the development would not harm the character and appearance of the area, and would preserve both the character and appearance of the adjoining conservation area and sustained the significance of the heritage asset in accordance with the *National Planning Policy Framework*. There would be no conflict with the Council's *Core Strategy* (2010) Policy SP10, its *Managing Development Document* (2013) (MDD) Policy DM24, or the strategic design policies of *The London Plan* (2015). Together, these policies require a high standard of design in development, with due regard to its surrounding context and including the protection and enhancement of heritage assets and their settings.

Living conditions (communal space)

11. The appellant has provided measurements of the areas of existing and proposed communal space. The existing outdoor communal space measures approximately 1,028 square metres (m²), and the proposed space would measure approximately 961 m². The existing indoor communal lounge measures approximately 114 m², with a proposed communal lounge of approximately 72 m² and a separate snug space of approximately 26 m², with these spaces totalling around 98 m².
12. Neither the Council's Development Plan nor the London Plan incorporates standards for the provision of communal or amenity space in sheltered housing developments. Although the proposed development makes provision for the re-landscaping and general improvement of the outdoor amenity area, and the provision of modern internal facilities, the small reduction in the amount of indoor and outdoor communal space must be balanced against the proposed increase in the occupation of the site, as well as any loss of amenity for existing residents. The present facilities remain usable and are clearly valued by residents. However, on balance, I consider that the provision of improved facilities, despite the small reduction in size, will not lead to a loss of their value. The investment and modernisation of these facilities is likely to ensure that they remain fit for purpose and satisfactorily serve the development's existing and future residents.

13. In the previous section, I found the design of the proposal to be acceptable. I also consider it to be appropriate with regard to the provision of communal and amenity space, and as such, I consider the Council's concern that the proposed development would incorporate excessive scale and bulk and contribute to an overdevelopment of the site, to be unfounded. I therefore conclude that the proposed development would provide satisfactory living conditions the residents, with regard to indoor communal lounge space, and communal outdoor space. There would be no conflict with Core Strategy Policy SP02, MDD Policies DM4 and DM5, or London Plan Policies 3.1, 3.4 or 3.5. Together, these policies require housing development to incorporate high standard of design that optimises its potential and provides a welcoming and suitable living environment.

Effects of construction on residents

14. The Council and existing residents of the development have expressed concerns about the impacts of the proposed development on their living conditions, particularly in respect of the effects of construction and any stress that could result from 'decanting' of residents or moving between flats or locations. This is a particularly sensitive issue, bearing in mind the ages of residents, their periods of residency, and the importance attached to their homes as places of sanctuary and shelter.
15. The main parties have suggested the provision of a construction management plan detailing mitigation measures to ensure minimal disruption during the construction phase, as a condition of approval were I to allow the appeal. The appellant has already given some consideration to this issue, and has provided a proposed mitigation framework for existing residents, to apply during the construction phase, which includes measures such as provision of a respite area, transport to and attendance at partner facilities within the area, and appointment of a resident liaison officer, one-to-one communication meetings, and noticeboard and website updates. Whilst I acknowledge that the proposed measures would not ameliorate all impacts of construction, I consider that they adequately demonstrate, in conjunction with the provision of a detailed construction management plan, that the appellant is committed to residents' welfare and minimising these impacts as much as possible.
16. I therefore conclude that the proposed development's construction phase would be unlikely to have a significantly harmful effect on the living conditions, health, and welfare of residents. There would be no conflict with Core Strategy Policy SP10 or MDD Policy DM25, which seek to protect the amenity and well-being of residents.

Affordable and wheelchair housing, employment and skills training, and parking demand

17. A Planning Obligation (Unilateral Undertaking dated 17 August 2016) has been completed and signed by the appellant. This incorporates several financial and other undertakings by the appellant, which I will examine below.
18. The Council adopted its *Planning Obligations Supplementary Planning Document* (SPD) in September 2016. This was considered by the parties in draft format during the appeal. It sets out a clear and robust framework of the Council's approach to development mitigation and infrastructure delivery. Although this does not have the same status as the adopted development plan,

it has been subject to a significant level of consultation and as such, I have afforded it significant weight within my decision. It is backed by Core Strategy Policy SP13, which sets out the council's priorities for planning obligations, and these are reflected within the SPD.

19. The Agreement incorporates clauses to ensure secure rent levels for new residents, no changes in rent levels for existing residents, that no less than four of the affordable rented housing units would be accessible units for wheelchair users, and that the affordable housing would remain as such in perpetuity with the Council to retain first option on the selection of residents. These provisions are relevant to the development and in accordance with the housing priorities set out in the SPD, and as such, I am satisfied that they are suitable inclusions.
20. The Agreement further includes local employment initiatives including an apprenticeship scheme and a framework for the provision of local goods and services. These initiatives accord with the Council's identified priority area of employment, skills, training and enterprise.
21. Also included in the Agreement is a car-free obligation to restrict the use of land and prohibiting occupation of the property by anyone holding a parking permit. This includes a requirement for the owner to inform prospective residents of the restrictions relating to car use under the Agreement, and as such, I am satisfied that this obligation will be enforceable against the current owners of the property and their successors in title. The other main provision is a requirement for a contribution towards the council's cost of monitoring the implementation of the Agreement, in accordance with the level set within the SPD.
22. Overall, there is clear evidence that these obligations are necessary to make the development acceptable in planning terms and that they are fairly and reasonably related in scale and kind to the proposal. They therefore comply with the relevant tests having regard to the Community Infrastructure Regulations and the Planning Obligation is a relevant factor in the determination of this appeal. Accordingly, I conclude on the fourth main issue that the scheme provides and mitigates adequately for affordable and wheelchair housing, employment and skills training, and parking demand.

Other issues

23. Other residents' concerns not addressed above have been brought to my attention, including regret over the loss of the single-storey flatted element of the existing building, the effect of the proposed building on the use of the play area on adjacent land, and antisocial behaviour within the existing car park and an additional residents' car park adjacent to the site. Although the car park is outside the site boundary, the additional surveillance from residents of the new flats would be beneficial reducing antisocial behaviour, and flats would have appropriate insulation against external noise and disturbance. Although the loss of the single-storey with part of the building is not supported by all residents, I am satisfied that the provision of new accommodation built to modern standards will provide suitable replacement units. Overall, I am satisfied that the benefits of the development outweigh the negative attributes.

Conditions

24. The appellant and Council have recommended conditions which are considered in light of the tests set out in the *Planning Practice Guidance*. All are necessary, reasonable and enforceable in the interests of securing an acceptable development, with the exception of the Council's suggested Lifetime Homes and Code for Sustainable Homes conditions, which have been omitted due to the standards no longer being applicable.
25. Condition 2 is necessary in the interests of proper planning and to ensure that the development is carried out as approved. Conditions 3 through 9 are required to ensure that the development is occupied as intended and addresses housing needs, that appropriate facilities are provided for occupants, and that suitable mitigation against the effects of construction would be in place in accordance with my previous comments. Conditions 10, 11 and 12 are necessary to ensure adequate management of any protected species, archaeology, and drainage; and I have applied conditions 13 and 14 to ensure that the development has a satisfactory impact on the character and appearance of the site and surrounding areas.

Conclusion

26. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

G Rollings

INSPECTOR

(Overleaf: Annex A – List of conditions.)

ANNEX A – LIST OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: APL001; APL009 rev. D; APL010 rev. D; APL011 rev. G; APL012 rev. H; APL013 rev. H; APL014 rev. D; APL015 rev. C; APL016 rev. F; APL017 rev. H; APL018 rev. H; APL019 rev. F; APL023; APL024; APL025; APL026; APL027; APL028; APL029; APL030; APL031; Drainage Strategy Plan 01 rev. P02; Impermeable Areas Plan 99 rev. P02.
- 3) The development hereby permitted shall be used for Use Class C2 Sheltered Accommodation only.
- 4) All new units hereby approved shall be wheelchair adaptable and 4 of the new units shall be designated wheelchair units, and maintained as such thereafter.
- 5) The communal amenity space hereby approved shall be made available and accessible to all residents of the development, prior to the final new unit being occupied, and the space shall be maintained as such thereafter.
- 6) No less than 30 cycle parking spaces shall be provided for the residents of the development prior to the occupation of the new flats, and these spaces shall be maintained as such thereafter.
- 7) The refuse and recycling storage areas shown on approved plan APL011 rev. G shall be implemented according to the plans prior to the occupation of the new flats.
- 8) Demolition or construction works shall take place only between 08.00 and 17.00 Monday to Friday, and 08.00 to 13.00 on Saturday, and shall not take place at any time on Sundays or on Bank or Public Holidays. Impact piling shall take place only between 10.00 and 16.00 on weekdays, and shall not take place at any time on Saturdays, Sundays or on Bank or Public Holidays.
- 9) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) details of the site manager, including contact details (phone, facsimile, email, postal address) and the location of a large notice board on the site that clearly identifies these details to the site manager and a "Considerate Constructors" contact telephone number;
 - ii) the parking of vehicles of site operatives and visitors;
 - iii) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - iv) wheel washing facilities;
 - v) measures to control the emission of dust and dirt during construction;

- vi) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- vii) Any means, such as a restriction on the size of construction vehicles and machinery accessing the site, required to ensure that no damage occurs to adjacent streets throughout the construction period;
- viii) Any means of protection of services such as pipes and water mains within the road;
- ix) Measures to be adopted to maintain the site in a tidy condition in terms of disposal/storage of rubbish, storage, loading and unloading of building plants and materials and similar demolition/construction activities;
- x) Measures to be adopted to ensure that pedestrian access past the site on the public footpaths is safe and not obstructed during construction works;
- xi) Location of workers' conveniences (e.g. portaloos);
- xii) Ingress and egress to and from the site for vehicles during site works period;
- xiii) Proposed numbers and timing of truck movements throughout the day and the proposed routes;
- xiv) Details of the mitigation measures for dust and emissions as well as methodology for monitoring during construction; and
- xv) Details of the effects of construction traffic on air pollution.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 10) In the event that development does not commence until April 2017, a further bat survey should be submitted to the Local Planning Authority, and development shall not commence until approved in writing by the Local Planning Authority.
- 11) Prior to the commencement of development a programme of archaeological work including monitoring shall be submitted to and approved by the Local Planning Authority. The work shall be undertaken in line with this programme.
- 12) Prior to commencement of superstructure works, details of surface water drainage and mitigation of surface water run-off which detail all surface drainage for the site (including communal areas and forecourt areas) to be contained within the site and at no circumstances shall be drained to the public highway, shall be submitted to and approved in writing by the Local Planning Authority.
- 13) Prior to commencement of superstructure works and notwithstanding the details hereby approved, samples and details which shall include:
 - i) brickwork (including brick panels and mortar courses for each building);
 - ii) boundary walls; and other defensible walls/railings in front of buildings;
 - iii) windows (including sections)
 - iv) all balustrading treatment (including sections);

- v) refuse enclosures;
- vi) cycle enclosures;
- vii) roof details;
- viii) main external entry doors to blocks and other access entries (which may include the entrance canopy details); and
- ix) any other materials to be used;

shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works being commenced on site. The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.

- 14) Notwithstanding the details as outlined in the approved plans, a landscaping plan which is designed with biodiversity enhancement objectives, including a strategy for implementation and maintenance strategy shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. This shall include details of:
- i) soft plantings: including any grass and turf areas, trees, planters, shrub and herbaceous areas;
 - ii) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported top soil(s), levels, drainage and fall in drain types;
 - iii) hard landscaping (and samples): including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps;
 - iv) fences, walls, boundary treatments;
 - v) details of the children play areas;
 - vi) any details of tree protection measures
 - vii) external lighting;
 - viii) biodiverse roofs; and
 - ix) any other landscaping feature(s) forming part of the scheme.

All details as set above shall be completed, erected and/or planted during the first planting season following practical completion of the development. The soft landscaping details to be approved shall have an ongoing five year maintenance and watering provision. Following planting, any trees or shrubs which die within five years of completion of the development shall be replaced with the same species or an approved alternative and to the satisfaction of the Local Planning Authority. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.