

<b>Committee:</b> Development	<b>Date:</b> 25 June 2014	<b>Classification:</b> Unrestricted
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Applications for Planning Permission
<b>Case Officer:</b> Piotr Lanoszka	<b>Ref No:</b> PA/13/02667
	<b>Ward:</b> Stepney Green

## 1.0 APPLICATION DETAILS

<b>Location:</b>	Land at rear of 60 Jubilee Street
<b>Existing Use:</b>	Residential car park and communal amenity area for the 6 flats at 60 Jubilee Street
<b>Proposal:</b>	Erection of a 2 storey, 4 bedroom wheelchair accessible dwelling with one car parking space
<b>Drawings and documents:</b>	<ul style="list-style-type: none"> <li>- Design and Access Statement by MEPK Architects, dated October 2013;</li> <li>- Impact Statement by MEPK Architects, dated October 2013;</li> <li>- Site Location Plan ref 1273_p05;</li> <li>- Drawings 1273_p01 rev D, 1273_p02 rev B, 1273_p03 rev B, and 1273_p04 rev B.</li> </ul>
<b>Applicant:</b>	Gateway Housing Association
<b>Ownership:</b>	As above
<b>Historic Building:</b>	N/A
<b>Conservation Area:</b>	N/A

## 2.0 EXECUTIVE SUMMARY

- 2.1 The report considers an application for erection of a 2 storey in-fill dwelling to replace a car park and a landscaped area. Officers have considered the particular circumstances of this application against the provisions of the Development Plan and other material considerations as set out in this report, and recommend approval of planning permission for the proposal.
- 2.2 The proposal would make efficient use of the site and provide a much needed wheelchair accessible dwelling suitable for a large family.

2.3 The design of the scheme, including the massing, siting, architectural design and response to the site's setting, is of a high quality. High quality materials and detailing would be used throughout.

2.4 The design has been well thought through to minimise amenity impact while providing a high quality of accommodation to the future occupiers. No unacceptable amenity impacts would occur to any of the adjoining residents.

### **3.0 RECOMMENDATION**

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

3.2 The prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) within three months of the date of this resolution, to secure the following planning obligations:

#### **3.4 Non-financial Obligations:**

- a) Car free agreement with respect of the future occupiers of the 6 flats within 60 Jubilee Street;
- b) Car free agreement with respect of the future occupiers of the 4 bedroom house;
- c) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.

3.5 That the Corporate Director, Development & Renewal is delegated authority to negotiate and approve the legal agreement indicated above.

3.6 That the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

#### **3.3 Conditions:**

1. Time Limit 3 years
2. Compliance with plans and documents
3. Hours of construction
4. Samples of brick and all other external facing materials, full details of railings
5. Full details of cycle and refuse stores
6. Protection of existing trees
7. Code for Sustainable Homes Level 4
8. Compliance with Lifetime Homes Standards
9. Signage to ensure that vehicles enter and leave the site in forward gear

#### **3.4 Informatives:**

1. Development liable for Mayor of London Community Infrastructure Levy
2. Compliance with Building Regulations

### **4.0 PROPOSAL AND LOCATION DETAILS**

#### **Proposal**

- 4.1 The applicant seeks to erect a two storey four-bedroom wheelchair accessible dwelling with 1 car parking space and a private garden. The tree on site would be retained.
- 4.2 The house is intended by the applicant to be within the affordable tenure however this would not be secured through the S106 agreement.

### **Site and Surroundings**

- 4.3 The application relates to the land at rear of 60 Jubilee Street, a 3 storey block of 6 two-bedroom flats dating back to the 1990s. The entirety of the site is in the applicant's ownership with the residents of the flats benefiting from secure tenancies.
- 4.4 The land to be built on is currently underutilised and contains a hard landscaped area with 4 car parking spaces as well as a grassed area with one tree. The remainder of the rear of 60 Jubilee Street contains two private gardens, two carports and residential entrances to the ground floor flats. The entrance serving the 4 flats located on the 1<sup>st</sup> and 2<sup>nd</sup> floors is located on Jubilee Street
- 4.5 The vicinity of the site is of a residential character dominated by low to medium rise post war public housing estates. The closest residential properties, other than at 60 Jubilee Street, are at 1 Musbury Street, immediately to the east of the application site, as well as within the 4 storey public housing block at 68-114 Clark Street, to the north-east.
- 4.6 The application site is located in an out of town centre location and carries no policy designations. The site is not located in a conservation area nor is it a listed building. The nearest statutorily listed building is located some 40m to the north of the site, at 62 and 64 Clark Street. The setting of this Grade II listed terrace would not be affected by the proposal.
- 4.7 The site is located on the northern side of Musbury Street, off Jubilee Street. It benefits from good public transport accessibility - PTAL rating of 4.

### **Planning History**

- 4.8 Full planning permission for the erection of a three storey building providing 6 x two-bedroom flats at 60 Jubilee Street and the accompanying 6 car parking spaces at rear was granted on 13<sup>th</sup> January 1995 under planning reference ST/94/00142.

## **5.0 POLICY FRAMEWORK**

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

### **5.2 Government Planning Policy**

National Planning Policy Framework 2012

### **5.3 London Plan 2011 with Revised Early Minor Alterations published 11/10/2013**

- 2.9 - Inner London  
2.14 - Areas for regeneration  
3.3 - Increasing housing supply

- 3.4 - Optimising housing potential
- 3.5 - Quality and design of housing developments
- 3.8 - Housing choice
- 4.8 - Supporting a successful and diverse retail sector
- 5.1 - Climate change mitigation
- 5.2 - Minimising carbon dioxide emissions
- 5.3 - Sustainable design and construction
- 5.17 - Waste
- 6.3 - Assessing effects of development on transport capacity
- 6.9 - Cycling
- 6.10 - Walking
- 6.13 - Parking
- 7.1 - Building London's neighbourhoods and communities
- 7.2 - An inclusive environment
- 7.3 - Designing out crime
- 7.1 - Building London's neighbourhoods and communities
- 7.4 - Local character
- 7.6 - Architecture
- 7.19 - Biodiversity and access to nature
- 7.21 - Trees and woodland

#### 5.4 **Core Strategy 2010**

- SP02 - Urban living for everyone
- SP03 - Creating healthy and liveable neighbourhoods
- SP04 - Creating a green and blue grid
- SP05 - Dealing with waste
- SP09 - Creating attractive and safe streets and spaces
- SP10 - Creating distinct and durable places
- SP12 - Delivering placemaking

#### 5.5 **Managing Development Document 2013**

- DM0 - Delivering sustainable development
- DM1 - Development within the town centre hierarchy
- DM3 - Delivering homes
- DM4 - Housing standards and amenity space
- DM10 - Delivering open space
- DM11 - Living buildings and biodiversity
- DM14 - Managing Waste
- DM20 - Supporting a sustainable transport network
- DM22 - Parking
- DM24 - Place-sensitive design
- DM25 - Amenity

#### 5.6 **Supplementary Planning Documents**

- National Planning Policy Guidance 2014
- Mayor of London Housing SPG 2012
- Draft Further Alterations to the London Plan 2014

#### 5.7 **Tower Hamlets Community Plan objectives**

- A Great Place to Live

## **6.0 CONSULTATION RESPONSE**

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

6.2 The following were consulted regarding the application:

### **LBTH Transportation and Highways**

6.3 No objection subject to conditions securing signage instructing residents using the car park to enter and leave the site in forward gear and requesting submission of details of cycle storage and a S106 car free planning obligation.

### **LBTH Design and Conservation**

6.4 No objection to revised proposal. The proposed massing, elevation treatment and use of materials are supported.

### **LBTH Inclusive Access**

6.5 No adverse comments.

### **LBTH Energy Efficiency and Sustainability**

6.6 No objection. Achievement of Code for Sustainable Homes level 4 rating should be secured through condition.

## **7.0 LOCAL REPRESENTATION**

7.1 A total of 96 letters were sent to neighbours on 2<sup>nd</sup> December 2013. A site notice was displayed on 4<sup>th</sup> December 2014.

7.2 The number of representations received in response to notification and publicity of the application is as follows:

No of individual responses:                      Objecting: 4                      Supporting: 0

No of petitions received:                      1 in objection with 41 signatories

7.3 The following issues were raised in objection to the proposal and will be addressed in the material considerations section of this report:

- Loss of view and outlook
- Loss of daylight and sunlight
- Overlooking and privacy intrusion
- Increase in parking stress
- Disruption from construction works
- Loss of part of the garden at 60a Jubilee Street
- Security of 60a Jubilee Street being compromised by parked cars

## **8.0 MATERIAL PLANNING CONSIDERATIONS**

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

1. Land Use
2. Standard of Accommodation
3. Design
4. Amenity
5. Transportation and Highways
6. Other

### Land Use

- 8.2 The National Planning Policy Framework sets out the Government's land use planning and sustainable development objectives. The framework identifies a holistic approach to sustainable development as a core purpose of the planning system.
- 8.3 Paragraph 9 of the NPPF highlights that the pursuit of sustainable development includes widening the choice of high quality homes, improving the conditions in which people live and take leisure, and replacing poor design with better design. Furthermore, paragraph 17 states that it is a core planning principle to efficiently reuse land that has previously been developed and to drive and support sustainable economic development through meeting the housing needs of an area.
- 8.4 Through policy 3.3, the London Plan seeks to alleviate the current and projected housing shortage in the Capital through provision of an annual average of 32,210 of new homes over a ten year period. The minimum ten year target for Tower Hamlets, for years 2011-2021 is set at 28,850; however, for years 2015-2025, the Draft Further Alterations to the London Plan revise the Council's target to 39,314 homes.
- 8.5 The need to address the pressing demand for new residential accommodation is embraced by the Council's strategic objectives SO7 and SO8 and policy SP02 of the Core Strategy. These policies and objectives place particular focus on delivering more affordable family homes throughout the borough.
- 8.6 The Core Strategy place-making policy SP12 pictures Stepney as a largely residential area with high quality housing and regenerated housing estates. One of the principles for the area is to promote Stepney as a place suitable for families, with housing typologies that offer dedicated amenity space, including private gardens.
- 8.7 It is considered that provision of a four-bedroom, wheelchair accessible, family-sized house with a private garden, making an efficient use of a currently underutilised area of a car park and communal green landscaping, is strongly supported in planning policy terms.

### Standard of Accommodation

- 8.8 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document seek to ensure that all new housing is appropriately sized, high-quality and well-designed. Specific standards are provided by the Mayor of London Housing SPG to ensure that the new units would be "fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the needs of occupants throughout their lifetime."
- 8.9 The application is for construction of a wheelchair accessible four-bedroom detached house. The property would measure 160sqm and have a private garden of 25sqm, in excess of the minimum policy requirement of 107sqm and 10sqm respectively.

- 8.10 The property would be accessed from Musbury Street, with separate living room and kitchen/dining areas on the ground floor. The ground floor would also house a toilet with a shower, storage areas and a wheelchair charging zone as well as stairs and a wheelchair lift to the 1<sup>st</sup> floor. The 1<sup>st</sup> floor would contain 1 double bedroom, 2 twin bedrooms, a single bedroom, a bathroom and a further store.
- 8.11 All of the rooms would benefit from adequate daylighting, privacy and outlook. Defensible space with low metal railings and planting would be provided to separate the building from the footway on Musbury Street.
- 8.12 The suitability of the proposed layout for wheelchair users and disabled occupiers has been confirmed as satisfactory by the Council's Occupational Therapist as well as by the Inclusive Access Officer.
- 8.13 Overall, the quality of the proposed residential accommodation would be good and the proposal would meet the relevant floorspace and housing design standards.

### Design

- 8.14 The National Planning Policy Framework attaches great importance to the design of the built environment.
- 8.55 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.
- 8.15 Chapter 7 of the London Plan as well as the Council's policy SP10 set out 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. These aims are to be realised through the detailed development management policy DM24 which aims to ensure that development is designed to the highest quality standards and is sensitive to and enhances the local character and setting of the development by respecting the design details and elements, scale, height, mass, bulk and form of adjoining development, building plot sizes, plot coverage and street patterns, building lines and setbacks, roof lines, streetscape rhythm and other streetscape elements in the vicinity. Development is also required to utilise high quality building materials and finishes. Furthermore, 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.
- 8.16 The setting of the application site is characterised by low and medium rise post war public housing developments built in a modernist functionalist style. The proposed building would be visible from the corner of Jubilee Street and Musbury Street - set behind the 3 storey, 1990s block of 60 Jubilee Street and adjoining the post war, 2 storey 1 Musbury Street and 4 storey 68-114 Clark Street. On the opposite side of Musbury Street is another 3 storey modernist public housing development. The streetscene of Musbury Street is generally poor quality, dominated by car parking garages at ground floor level and access walkways on upper stories. There is little active frontage and poor sense of passive surveillance.

- 8.17 The 2 storey dwelling would be orientated north to south to minimise amenity impact while providing increased passive surveillance and active frontage to Musbury Street and enabling a better outlook for residents. It would have a flat roof with a parapet concealing a sedum roof and photovoltaic panels.
- 8.18 Due to its modest scale and use of architectural language referencing the nearby modernist architecture, the proposal would sit comfortably in the streetscene.
- 8.19 The building would consist of two clear elements - the main part faced in London Stock brick, and a projecting box sheltering the car port clad with lightweight weatherboards. Large feature windows with weatherboard panels would be provided in the Musbury Street elevation.
- 8.20 Due to introduction of defensive space the building would be set back from the building line of 60 Jubilee Street and provide a transition to the post war public housing developments further east. The overall architectural design of the building, including the broken-up massing and roof line would be of a simple but clear-cut contemporary style appropriate to the development's location.
- 8.21 The proposal has also been appropriately design with regard to safety and security and would not compromise the security of any of the adjoining properties.
- 8.22 The Council's Urban Design Officer has been involved in development of the proposal and following amendments considers it to be acceptable.
- 8.23 Overall, it is considered that the proposal represents an appropriate design response to the setting of the application site and that it would form a visually attractive feature in the local streetscene. Full details of materials and finishes, including samples of windows, weatherboarding and brick would be reserved by condition.

#### Amenity

- 8.24 In line with the principles of the National Planning Policy Framework and the London Plan, the Council's policies SP10 of the Core Strategy and DM25 of the Managing Development Document aim to safeguard and where possible improve the amenity of existing and future residents with regard to daylight and sunlight, outlook, overlooking, privacy and sense of enclosure.
- 8.25 The 60 Jubilee Street houses 6 two-bedroom flats, all of which are dual aspect. The ground floor properties at 60a and 60b benefit from private car ports and gardens. These properties are accessed off Musbury Street, directly from the courtyard which is to be shared with the proposed stand-alone dwelling. The eastern elevation of 60 Jubilee Street would be at between approximately 8 and 11m from the western elevation of the proposed building.
- 8.26 1 Musbury Street is a single aspect residential unit located at 1<sup>st</sup> floor level atop a car garage immediately to the east of the proposed building. The windows facing the application site would be approximately 8m from the eastern elevation of the proposed building. 1 Musbury Street also benefits from a large roof terrace facing the application site.
- 8.27 The 4 storey public housing block at 68-114 Clark Street is located some 12m to the north-east of the application site. The residential accommodation within the block is arranged in the form of dual aspect maisonettes. The maisonettes located at ground



and first floor level have private gardens either side of the building. Generally, living rooms face the application site at ground level and bedrooms at 1<sup>st</sup> floor level.

8.28 The petitioners and objectors are concerned about the following amenity issues:

- Overlooking and privacy intrusion
- Loss of view and outlook
- Loss of daylight and sunlight
- Disruption from construction works
- Loss of part of the garden at 60a Jubilee Street

8.29 The proposed building has been arranged north to south in order to minimise amenity impact on adjoining residential occupiers. In particular, the principal fenestration would face to the south and to the north preventing any direct overlooking or privacy intrusion. There would be no fenestration in the eastern elevation facing 1 Musbury Street, while the fenestration within the western elevation facing 60 Jubilee Street has been minimised and would be either obscure glazed or high level. The ground floor kitchen/dining windows would be set at an angle, looking north-west to avoid overlooking. Similarly the windows to 1<sup>st</sup> floor bedrooms within the projecting element would also be set at an angle facing north-west and south-west so as to reduce overlooking. Overall, it is considered that the proposal would not result in undue privacy intrusion or overlooking.

8.30 With regard to loss of view and outlook, the proposed building, at 2 storeys in height, would not restrict the outlook from adjoining properties to an unacceptable extent. While it would be located between 8 and 12m from adjoining properties, due to its modest height and broken-up massing it would not appear overbearing or result in an unacceptable sense of enclosure. In all instances the building would be visible only in part of the outlook to the properties and would allow oblique views as well as views of the sky to be maintained.

8.31 Due to the location of the proposed building relative to the adjoining residential premises and its modest height it is not considered that material loss of sunlight would occur.

8.32 With regard to daylighting, it is considered that the proposal is unlikely to result in any unacceptable impacts to adjoining properties, in particular bearing in mind the site's inner city setting, the modest scale of the proposal and its location in relation to habitable room windows of the adjoining dwellings.

8.33 The disruption from construction works by virtue of its temporary nature would not warrant a refusal on amenity grounds alone. Nevertheless, in order to minimise the level of disruption to neighbours a condition would be attached to restrict the construction hours to from 8:00am to 6:00pm Mondays to Fridays and from 8:00am to 1:00pm on Saturdays. No works would take place on Sundays or Public Holidays.

8.34 The occupier of the ground floor flat at 60a Jubilee Street is concerned about loss of part of the property's private garden, an area of approximately 3.5sqm out of 65sqm. This area of private garden has been included in the application site because of requirements for provision of a sufficient space for a disabled person to use a parking space and the general spatial constraints of the site. It is considered that the loss of a small section of the large private garden would not have a sufficient impact on the living conditions of the occupier as to warrant refusal of the application.

- 8.35 Overall, it is considered that the detailed design of the proposal has been well thought through to minimise amenity impacts of the scheme. The proposal would not result in any unacceptable amenity impacts in accordance with planning policy.

#### Transportation & Highways

- 8.36 Policy 6.3 of the London Plan, SP09 of the Core Strategy, and DM20 of the Managing Development Document aim to ensure that development has no unacceptable impact on the safety and capacity of the transport network.
- 8.37 Policies 6.9 and 6.13 of the London Plan and policy DM22 of the Managing Development Document set out standards for bicycle and car parking provision in new developments.
- 8.38 The development is located in an area with good access to public transport and high parking stress.
- 8.39 The site currently houses 4 car parking spaces for use of the tenants of the 4 upper floor flats at 60 Jubilee Street. Gateway Housing Association has confirmed that none of the occupiers of these flats currently has a car and no objections were received to the loss of the 4 car parking spaces during the planning process. To ensure that in the long term the proposal does not result in displacement of car parking onto the surrounding public highways the applicant has agreed to enter into a bespoke car free agreement ensuring that the future occupiers of the flats within 60 Jubilee Street would not be able to obtain on-street car parking permits.
- 8.40 One dedicated on-site disabled car parking space would be provided for the future occupiers of the new dwelling and a planning obligation would prevent the occupiers from obtaining on-street car parking permits.
- 8.41 The applicant has submitted auto-tracking diagrams demonstrating that cars can be parked safely in the new car port as well as the two existing car ports to the two ground floor flats. Highways Officers have reviewed the submitted information and raise no objection subject to a condition requesting signage to ensure that cars leave and enter the site in forward gear rather than reverse which could be a threat to safety.
- 8.42 A timber bike store with space for storage of 2 bicycles would be provided within the private garden at rear.
- 8.43 Overall, subject to conditions and planning obligations as requested by the Council's Highways Officers, the proposal would be acceptable with regards to transportation and highway safety matters.

#### Sustainability

- 8.44 In terms of sustainability all residential development is required to achieve a Code for Sustainable Homes level 4 rating. This is to ensure the highest levels of sustainable design and construction in accordance with policy 5.3 of the London Plan, policy SP11 of the Core Strategy and policy DM29 of the Managing Development Document.
- 8.45 In accordance with policy, the applicant proposes to construct the building to achieve a Code for Sustainable Homes level 4 rating. This would be secured by condition.

- 8.46 The roof of the building would also be covered in sedum which would provide biodiversity and sustainable drainage benefits.

#### Waste

- 8.47 Policies SP05 of the Core Strategy and DM14 of the Managing Development Document require provision of adequate waste storage facilities in all new development.
- 8.48 In accordance with the above policies, the proposal includes a dedicated bin store for storage of refuse and recycling.

#### Human Rights Considerations

- 8.49 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:
- 8.50 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
  - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
  - Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".
- 8.51 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 8.52 Members need to satisfy themselves that the potential adverse impacts from the development are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.
- 8.53 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 8.54 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

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

#### Equality Act Considerations

- 8.56 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs, gender and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## **9.0 CONCLUSION**

- 9.1 All other relevant policies and considerations have been taken into account. Planning permission should be APPROVED as set out in the recommendations section of this report.

## 10.0 SITE MAP

