

Committee: Development Committee	Date: 14 th May 2015	Classification: Unrestricted	Agenda Item Number:
---	---	--	----------------------------

Report of: Corporate Director of Development and Renewal	Title: Planning Application
Case Officer: Laura Barton	Ref No: PA/15/00116
	Ward: Stepney Green

1. APPLICATION DETAILS

Location:	221 Jubilee Street, London E1 3BS
Existing Use:	Vacant
Proposal:	Conversion and refurbishment of existing building to create a three-bedroom house (use-class C3).
Drawing and documents:	Site location plan, drawings 101B, 202B, 103B, 201C, 202C, 301C, 401A and Design & Access statement prepared by PPS dated January 2015
Applicant:	Rupert Scott & Leonora Wood
Ownership:	Rupert Scott & Leonora Wood
Historic Building:	N/A
Conservation Area:	Stepney Green Conservation Area

2. EXECUTIVE SUMMARY

- 2.1 This report considers an application for the proposed conversion and refurbishment of a former light industrial building to change the use to a three-bedroom house.
- 2.2 This application has attracted a total of 27 written objections. The main concerns raised by objectors relate to the loss of a fire exit at an adjacent nursery and the potential loss of a D1 use. Careful consideration has been given to these concerns, as well as other material planning considerations.
- 2.3 As explained within the main report, the proposal is in accordance with the Development Plan and all other material considerations.

3.0 RECOMMENDATION

- 3.1 That the Committee resolve to GRANT planning permission subject to the following conditions:
- 3.2 **Conditions on planning permission**

- (a) Three year time limit
- (b) Development to be built in accordance with the approved plans
- (c) Permit-free condition
- (d) Details of cycle-parking
- (e) Construction management plan
- (f) Details of external facing materials
- (g) Directional fins (to protect privacy of neighbours)
- (h) Limit use of terraces and flat roof (to protect privacy of neighbours)
- (i) Noise insulation measures

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

4.0 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 4.1 The application site is on the eastern side of Jubilee Street, approximately 72 m south of Mile end Road. To the west is O'Leary Square and to the south is Trinity Mews, both formed of residential flats. To the north and east is Captain Cook's Yard which contains a range of uses including a church and a day nursery (both of which share a boundary with the application site). The site was formerly part of the adjacent 82-88 Mile End Road (known as 'Unit 2'), but has recently been formally registered with the Council Street Naming and Numbering department as the new address stated in this application.
- 4.2 The application site does not contain a listed building, however it is located within the Stepney Green Conservation Area.

The Proposal

- 4.3 The application proposes the following:
- (a) Conversion and refurbishment of the existing building to create a three-bedroom house (use-class C3).
 - (b) This will involve the excavation of the existing cellar by 1.2 metres in order to create a basement level. The first floor will be provided by raising the roof by 0.7m inside the existing parapet.

Relevant Planning History

- 4.4 There is no relevant planning history for this unit and its authorised planning use is unclear. However, given the building's layout, history and its surrounding uses,

officers consider that its most likely use would have been either light industrial (B1) or storage (B8).

- 4.5 In 2013 the Council served a Stop Notice against an unauthorised social club operating from within Unit 2 due to the fact that it was causing an unacceptable level of noise, disturbance and anti-social behaviour.

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 Guidance/Statements

- National Planning Policy Framework (March 2012) (NPPF)
- National Planning Practice Guidance (March 2014)

5.3 Spatial Development Strategy for Greater London – March 2015, Consolidated with alterations since 2011 (LP)

- 3.3: Increasing housing supply
- 3.5: Housing Standards
- 7.4: Local Character
- 7.5: Public Realm
- 7.8: Heritage Assets and Archaeology

Mayor of London Housing Supplementary Planning Guidance.

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

- SP02 Urban living for everyone
- SP05 Provide appropriate refuse and recycling facilities
- SP09: Creating Attractive and Safe Streets and Spaces
- SP10: Creating distinct and durable places
- SP12: Delivering Place making

5.5 Managing Development Document (2013) (MDD)

- DM3: Delivering Homes
- DM4: Housing Standards and Amenity Space
- DM14: Managing Waste
- DM20: Supporting a sustainable transport network
- DM22: Parking
- DM23: Streets and the public realm.
- DM24: Place Sensitive Design
- DM25: Amenity
- DM27: Heritage and the historic environment

5.6 Other Relevant Documents

- The Stepney Green Conservation Area Character Appraisal and Management Guidelines, LBTH (2009)

CONSULTATION RESPONSE

- 5.7 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 5.8 The following were consulted regarding the application:

Internal Consultees

Highways and Transportation

- 5.9 No objections to the proposed change of use. The applicant has stated that they are willing to enter into a 'Permit Free' agreement and this is welcomed. Two cycle stands are proposed and this meets the minimum policy requirements. However, these should be covered and secure. The applicant is recommended to consider the construction implications of the development at an early stage.
[Officer comment: Should the proposal be approved, a permit-free agreement will be required by way of a condition, as will details of cycle parking. Full details of a Construction Management Plan will also be required by way of a condition.]

Design and Conservation

- 5.10 No objections. Metal cladding for the roof extension considered appropriate. Details of materials to be submitted by way of a condition.

Neighbours Representations

- 5.11 A total of 35 planning notification letters were sent to nearby properties. The application proposal was also publicised by way of a site notice and press notice. A total of 27 letters of representation were received objecting to the proposal.

Main reasons of objection:

- 5.12 The applicant has closed off a fire exit belonging to the adjacent day nursery.

Officer comment: The applicant has stated in their application form that they own the application site. It is understood, from verbal discussions with representatives of the nursery, that they believe they have an easement over the applicant's land. The applicant disputes this contention. This is a civil dispute relating to ownership and easements rather than a planning matter. Granting this permission would in no way affect the nursery's ability to enforce, through the courts, any easement rights over the applicant's land which they may benefit from. Accordingly, Members are advised to give little weight to this objection.

- 5.13 Loss of D1 space.

Officer comment: It is unclear which D1 space the objectors are referring to as there is no evidence that the subject site has ever had permission for a D1 use. It is possible to assume that the objections refer to the possible impact on the adjacent nursery building referred to in the paragraph above. In any case, there is no loss of D1 space.

5.14 This site will place extra pressure on parking.

Officer comment: Should this application be approved, it would be subject to a permit-free agreement. Accordingly, there will be no extra demand placed on on-street parking spaces

5.15 The site is not suitable for a house.

Officer comment: This point is addressed under 'Material Planning Considerations'.

6.0 MATERIAL PLANNING CONSIDERATIONS

6.1 The main planning issues raised by the application that the committee are advised to consider are:

- Land Use;
- Heritage and Design;
- Housing standards;
- Amenity; and,
- Other issues

Land use

Policy DM15 of the Managing Development Document (2013) states that development should not result in the loss of active and viable employment uses unless it can be shown that the site has been actively marketed (for approximately 12 months) or that the site is unsuitable for continued employment use due to its location, viability, accessibility, size and condition. The application was accompanied by a letter from a property agent, Paramount, stating that the unit had been marketed during 2013 and attracted little interest.

6.21 Furthermore, the letter confirms that the property was unlikely to attract commercial interest due to its poor internal condition, small size, and lack of loading bay. By virtue of the lack of future appeal to new occupiers, the loss of the former light industrial use is considered acceptable.

6.22 In terms of the principle of residential use, delivering new housing is a key priority both locally and nationally. Policy 3.3 of the London Plan seeks to alleviate the current and projected housing shortage in the Capital through the provision of an annual target of 3,910 homes.

6.23 The principle of residential use in the area is already well established, with residential uses in evidence in Trinity Mews and O'Leary Square. While the building is part of a former light industrial complex, its' frontage opens onto Jubilee Street, shared with other residential uses. Therefore, the principle of residential use in this location is considered acceptable.

Design

- 6.24 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 6.25 Policies DM23 and DM24 of the Managing Development Document seek to ensure that the development is sensitive to the local character and environment and provides for safe, secure and permeable environment. Additionally, DM27 seeks for development to protect and enhance the Borough's heritage assets, their setting and their significant as key elements of developing the sense of place of the borough's distinctive places.
- 6.26 It is proposed to largely retain the existing building, excavate the existing shallow cellar to provide a basement level, and build a copper-clad roof extension just under the existing parapet in order to house the first floor level. The original crittall windows are proposed to be replaced with new crittall windows sympathetic to the originals, with the existing PVC window to be removed and bricked up. All brickwork will be cleaned and refurbished.
- 6.27 It is proposed to cut a void in the side (south) wall of the property to allow light to penetrate into the dwelling; this will be covered with a glass 'lean-to' structure over the existing side alley. The windows on this elevation will be no higher than the existing boundary wall.
- 6.28 Therefore, the main issue is whether the design of the refurbished building is appropriate, and whether it preserves or enhances the character or appearance of Stepney Green Conservation Area.
- 6.29 The most visible aspect of this proposal is likely to be the proposed copper-clad roof extension. The Borough Conservation Officer has confirmed that this is considered appropriate as it references the building's previous industrial heritage. The other elements of the proposal, such as the removal of the PVC window and the provision of new Crittall windows, are considered to preserve and enhance the conservation area and are welcomed.
- 6.30 The proposal relocation generally accords with policy 6.9 of the London Plan and policies DM23, DM24 and DM27 of the Managing Development Document 2013.

Standard of accommodation

- 6.31 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 Supplementary Planning Guidance.
- 6.32 This unit exceeds the minimum space standards as set out in policy DM4 of the Managing Development Document (2013) and the National Space Standards set out in the NPPG. It also offers three separate outdoor amenity spaces. Floor to ceiling heights are at least 2.5m.
- 6.33 This site is constrained in that the north and east elevations are in fact party walls shared with existing buildings. The daylight amenity for each habitable space has been therefore been assessed using the average daylight factor (ADF) following the

methodology of the British Research Establishment (BRE) guidance. This report concludes that internal daylighting is in line with the guidance.

- 6.34 In terms of outlook, this is considered to be good in the main living areas and in two of the bedrooms, though it is accepted in some rooms outlook is somewhat limited such as the ground floor bedroom, which looks out into the side passage. This is considered acceptable when balanced against the merits of living within a historic converted building.
- 6.35 The proposed standard of accommodation is therefore considered to be acceptable and in line with London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document 2013.

Amenity

- 6.36 In terms of safeguarding the amenity of neighbouring occupiers, the roof is being raised to just under parapet level by approximately 0.7m; it is not considered that this will have a significant impact in terms of daylight & sunlight or a reduction of outlook in terms of the adjacent neighbours.
- 6.37 In terms of privacy, the proposed first floor window to the west elevation will be shielded by angled copper fins. This will prevent any overlooking to the adjacent flats at Trinity Mews. This is considered to be an acceptable solution, whilst still allowing future occupants reasonable outlook.
- 6.38 The existing windows to the south elevation will remain no higher than the existing boundary wall, thus preventing any overlooking to the flats at Trinity Mews.

Other Issues

Highways

- 6.39 Should permission be granted, the applicant has agreed to enter into a permit-free agreement by way of a condition. The applicant proposes to store two cycles in the front amenity area; further details of this cycle parking will be required by way of a condition.

Refuse

- 6.40 Refuse is proposed to be stored in the front amenity area of the property, where it can be collected at the same time as other residential properties in the area.

7 Human Rights Considerations

- 7.1 In determining this application, the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application, the following are particularly highlighted to Members:-
- 7.2 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English Law under the Human Rights Act 1998. Various Conventions rights are likely to relevant including:

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by the 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's interest (Convention Article 8); and
- Peaceful enjoyment of possession (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 competing interests of the individual and of the community as a whole"

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

7.4 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.

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

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

7.7 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.

7.8 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified.

8.0 Equalities

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

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

- 8.2 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.
- 8.3 With regard to age, disability, gender reassignment, pregnancy and maternity, race religion or belief, sex and sexual orientation there are no identified equality considerations.

Conclusion

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

Planning Application Site Map
PA/15/00116



- Planning Application Site Boundary
- Locally Listed Buildings
- Land Parcel Address
- Consultation Area
- Statutory Listed Buildings
- OSLine

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
 © Crown copyright and database rights 2015 Ordnance Survey, London Borough of Tower Hamlets 100019288



1:1,250