

<b>Committee:</b> Development	<b>Date:</b> 3 <sup>rd</sup> February 2010	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.1
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Nasser Farooq		<b>Ref No:</b> PA/09/2326	
		<b>Ward(s):</b> Bromley By Bow.	

## 1. APPLICATION DETAILS

<b>Location:</b>	Land between 154 - 192 Bruce Road, London E3
<b>Existing Use:</b>	Hard standing area with trees.
<b>Proposal:</b>	Erection of one two storey and one three storey dwelling houses to provide one x two bedroom and one x three bedroom residential unit and landscaped public amenity space.
<b>Drawing Nos:</b>	000 P2, 001 P3, 002 P2, 003 P2 and 004 P2
<b>Applicant:</b>	Poplar Harca
<b>Owner:</b>	Applicant
<b>Historic Building:</b>	N/A
<b>Conservation Area:</b>	N/A

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, the Council's Interim Planning Guidance (2007), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:
- 2.2 The proposal is in line with the Mayor and Council's policy, as well as government guidance which seek to maximise the development potential of sites. As such, the development complies with policy 4B.3 of the London Plan and policy HSG1 of the Council's Interim Planning Guidance (2007) which seeks to ensure that development proposals achieve the highest possible intensity of use compatible with the local context of the site.
- 2.3 The proposed new dwellings are not considered to adversely affect the amenity of neighbouring residential properties in terms of a loss of privacy, increased sense of enclosure and loss of daylight and sunlight. It is considered to be in accordance with saved policy DEV2 of the Council's Unitary Development Plan 1998 and policy DEV1 of the Interim Planning Guidance (October 2007) which seek to ensure the amenity of adjoining residential properties are protected and maintained.
- 2.4 The height, scale, bulk and design (including materials) of the proposed dwellings is

considered acceptable and in compliance with saved policy DEV1 of the Council's Unitary Development Plan 1998 and policy DEV2 of the Council's Interim Planning Guidance (2007), which seek to ensure buildings are of a high quality design and suitably located.

- 2.5 The quantity and quality of housing amenity space is considered to be acceptable and in line with PPS3, policy 3A.15 of the London Plan, policy HSG16 of the Council's Unitary Development Plan 1998 and policy HSG7 of the Council's Interim Planning Guidance (2007) which seeks to improve amenity and liveability for residents without adversely impacting upon the existing open space.
- 2.6 The loss of the two trees is considered acceptable given the support of the Council's Arborist and the replacement planting proposed. As such the proposal accords with saved policy DEV15 of the adopted Unitary Development Plan 1998 and policy DEV13 of the Interim Planning Guidance which seeks to ensure that any mature trees removed are replaced appropriately.
- 2.7 Subject to condition the safety and security of the scheme is acceptable in accordance with policy DEV1 of the Council's Unitary Development Plan 1998 and policy DEV4 of the Council's Interim Planning Guidance (2007), which requires all developments to consider the safety and security of development, without compromising the achievement of good design and inclusive environments.
- 2.8 Transport matters, including parking, access and servicing, are acceptable and in line with London Plan policy 3C.22, policies T16 and T19 of the Council's Unitary Development Plan 1998 and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007), which seek to ensure developments minimise parking and promote sustainable transport option.

### **RECOMMENDATION**

3. That the Committee resolve to **GRANT** planning permission subject to:
  - 3.1 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

#### **Conditions**

1. Permission valid for 3 years.
2. Details and samples of materials for all external elevations of the building
3. Details of landscaping including seating, railings, lighting and replacement trees.
4. Full details of lighting.
5. Cycle spaces to be provided and retained.
5. Car free agreement.
6. Removal of Permitted Development Rights for the dwelling houses.
7. In accordance with the approved drawings.
8. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

#### **Informatives**

1. Any other informative(s) considered necessary by the Corporate Director

#### **4. PROPOSAL AND LOCATION DETAILS**

##### **Proposal**

- 4.1 The proposal seeks consent for the erection of one two storey and one three storey dwelling houses to provide one x two bedroom and one x three bedroom residential unit and a landscaped public amenity space and access route.

##### **Site and Surroundings**

- 4.2 The application site is located on a hard standing between 154 and 192 Bruce Road and is located to the rear of properties 166 to 176 Bruce Road which front Bruce Road.
- 4.3 Bruce Road is an 'L' shaped road with an unusual street numbering pattern. The even numbered properties begin from Old Palace Primary School located at the junction of Bruce Road and St Leonards Road. They run east to west on the northern side of the road for approximately 360m. Then Bruce Road bends southerly at 90 degrees and the even numbers then continue until 154 Bruce Road, which the proposal site adjoins.
- 4.4 A walkway is located between this property and the following property which is 192 Bruce Road. The properties numbered 156-190 Bruce Road are located as a terrace which runs parallel to 154 and 192 Bruce Road.
- 4.5 The existing hard standing area between 154 and 192 Bruce Road provides access via a series of steps leading down to Rainhill Way.
- 4.6 There are two trees currently located on site of which one is a mature tree.

##### **Planning History**

- 4.7 There is no relevant planning history.

#### **5. 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**

PPS1	Delivering Sustainable Development
PPG3	Housing

##### **5.3 Spatial Development Strategy for Greater London (London Plan)**

4B.1	Design Principles for a compact city
4B.3	Maximising the potential of sites
4B.6	Sustainable Design and construction
4B.7	Respect Local context and communities

#### 5.4 Unitary Development Plan (UDP)(as saved September 2007)

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV15	Mature Trees
	HSG13	Internal Standards for Residential Developments
	HSG16	Amenity Space
	T16	Impact of Traffic

#### 5.5 Interim Planning Guidance for the purposes of Development Control (October 2007)

Core Strategies	CP1	Creating Sustainable Communities
	CP3	Sustainable Environment
	CP4	Good Design
	CP19	New Housing Provision
	CP25	Housing Amenity Space
	CP46	Accessible and Inclusive Environments
Policies:	DEV1	Amenity
	DEV2	Character & Design
	DEV4	Safety and Security
	DEV5	Sustainable Design
	DEV13	Trees and Landscaping
	DEV19	Parking for Motor Vehicle
	HSG7	Housing Amenity Space

#### 5.6 Core Strategy Local Development Submission Document December 2009

SP02(1) Housing

#### 5.7 Supplementary Planning Guidance/Documents

Designing Out Crime  
Residential Space  
Landscape Requirements

5.8 **Community Plan:** The following Community Plan Objectives relate to the application.

A better place for living safely  
A better place for living well

## 6. CONSULTATION RESPONSE

6.1 The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

### LBTH Highways

6.3 The site is suitable for a car and permit free agreement whereby future occupants of the residential units are prevented from obtaining parking permits. Any planning permission should therefore be subject to a Section 106 car free agreement.

- 6.4 According to the documents submitted in support of this application, the applicant is proposing to provide a total of four cycle parking spaces for the proposed residential units (two spaces per unit) in the rear garden areas should be conditioned.
- 6.5 The proposed refuse and recycling storage areas adjacent to the front entrances with refuse collection to take place from Bruce Road in line with the arrangements for neighbouring properties. This would seem to involve a significant distance over which refuse/recycling would have to be carried/wheeled. (**Officer Comment:** *The proposal seeks the same arrangement as the existing properties along Bruce Road this is considered acceptable*).

#### **LBTH Environment Health**

- 6.6 Following the receipt of additional information in respect to the impacts on 192 Bruce Road it is not considered that there would be any adverse daylight and sunlight impacts.

#### **Horticultural Officer:**

- 6.7 Have no objections to works proceeding on the grounds of good arboriculture management.
- 6.8 Recommend a London plane tree of 16-18 cm stem girth as a suitable replacement to the felled trees.

#### **Secure by Design Officer:**

- 6.9 The initial concern is that the addition of these two new buildings would reduce the width of the current path from the Crossways site to such an extent that it would become an unattractive area to use/pass through.
- 6.10 The following suggestions are made to counter this:
- (a) The walls bordering the side of the properties gardens need to be sufficiently high, but this would reduce natural light and surveillance to this area. Therefore a suggestion is made to use metal railings rather than brick to prevent this.
  - (b) Consider rounding off the ends of each garden boundary (at both ends) to produce a 'flared' effect which would also increase lines of sight.
  - (c) Consider introducing high level lighting, using a clear white light to assist with natural surveillance.
  - (d) Ensure that the dwarf walls to the front of the properties are not able to be used for seating. This can be achieved using various toppings.
  - (e) The new seating area adjacent to the stairs leading to/from the Crossways development need to be well overlooked with sufficient high level lighting.

## **7. LOCAL REPRESENTATION**

- 7.1 A total of 61 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 2                      Objecting: 2                      Supporting: 0

No of petitions received: 4 separate petitions opposing the development containing 211 signatories in total  
1 in support of the development containing 297 signatories.

7.2 The following issues were raised in representations that are material to the determination of the application, they are addressed in the next section of this report:

- Location of the development being inappropriate for a dwelling house and not in keeping with the street.
- Impact on adjoining properties in terms of noise and pollution problems.
- Crime issues with an enclosed space.
- Loss of open space.
- Increase in housing is welcomed to support an increasing waiting area.

7.3 The following procedural and non material issues were raised in representations, and are addressed below:

- Lack of/inadequate community consultation undertaken by applicant. (Officer Comment: This objection relates to the consultation undertaken by Poplar HARCA which is non mandatory in terms of planning.)
- Removal of access through Rainhill Way (Officer Comment: this access is to remain)

## **8.0 MATERIAL PLANNING CONSIDERATIONS**

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

Land Use  
Design  
Amenity  
Highways

### **Land Use**

8.2 The subject site is unallocated on the Unitary Development Plan (1998). It is a hard standing place, designed to provide access to the steps leading downwards to Rainhill Way.

8.3 There have been several objections from local residents regarding the existing use of the site, as it appears to be used as a play area. However, this appears to be an informal arrangement.

8.4 In accordance with polices 3A.1 and 3A.2 of the London Plan, the Mayor is seeking the maximum provision of additional housing in London. Housing targets (December 2009) identified in policy SP02(1) of the Core Strategy Submission Document indicate that Tower Hamlets is aiming to provide 43,275 new homes between 2010 to 2025, with infill development identified as an appropriate mechanism for delivery.

8.5 The site is considered to be an appropriate location to meet this demand given the high accessibility attributed to this area. The immediate vicinity is also

predominantly residential. No objection is raised in principle to the use of the site for residential purposes.

#### Loss of open space and trees

- 8.6 Given the site is not formally designated as a play area; an objection on the grounds of any loss of open space cannot be justified. In addition the site retains the access to Rainhill Way via the existing steps.

#### **Design**

- 8.7 Saved policy DEV1 of the Unitary Development Plan states all development proposals should take into account and be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials and being visually appropriate to the site and its setting in the street scene. The policy also requires that development is designed to maximise the feeling of safety and security for users.
- 8.8 Policy DEV2 and DEV4 of the Interim Planning Guidance October 2007 reinforce this position by requiring all development to be of high quality design, appropriate to local context and ensuring that the safety and security of development is maximised.
- 8.9 The adjacent terrace from 134 to 154 is three stories in height with a flat roof. The proposed three storey dwelling is located at the end of this terrace, with access provided on the side elevation. The proposed dwelling follows the existing parapet height of the adjoining terrace.
- 8.10 The adjacent terrace of 192-200 Bruce Road is two storeys in height with a flat roof. The proposed two storey dwelling is to adjoin this terrace matching the height of the existing parapet wall with access again provided on the side elevation.
- 8.11 The internal layout of the units is efficient as it allows for access to all rooms from a central hallway, and benefits from appropriately positioned windows to allow for adequate access to daylight and sunlight. Balconies and windows provide natural surveillance to the remaining access route.
- 8.12 The materials of both dwellings are proposed to match those of the existing terraces, details of which are proposed to be conditioned in order to ensure acceptability.
- 8.13 The design approach is not to replicate the design of the existing terraces but to create a new booked design to the terraces whilst retaining the access route. The Councils Urban design officer has supported this approach.
- 8.14 It is recommended that that the permitted development rights for the dwelling houses are removed to ensure that no extensions/ alterations can be made to the houses without the approval of the local planning authority.
- 8.15 The proposal maintains a 5.8m wide walkway leading to the stairs. The walls of the front gardens are 1 m high, which provides additional surveillance from Bruce Road and through to the front entrance. However, the wall to the side/rear gardens would be higher at 2m. It is recommended that the measures identified by the Crime Prevention officer for the boundary treatment are conditioned. This would ensure that the access route is safe and sufficiently overlooked.

- 8.16 A new seating area is also proposed to the side of the new dwelling adjoining the 154 Bruce Road and adjacent to the existing stairs leading downwards to Rainhill Way. The location and design of this is considered appropriate as the sitting area would have active surveillance from the dwelling houses.
- 8.17 Concerns have been raised regarding the safety implications resulting from the reduced pathway. The secure by design officer has provided measures to mitigate this concern, and as detailed in the report above a condition is recommended to ensure this landscape treatment is acceptable.
- 8.18 Overall, it is considered that the design and layout of the proposal maximises the development potential of the site without adversely affecting adjoining properties and providing an acceptable design response to the local context. The development thereby accords with the requirements of policy 4B.3 of the London Plan, saved policy DEV1 of the Unitary Development Plan 1998 and DEV2, and DEV4 of the Interim Planning Guidance which seek to ensure development is well designed by being respectful of local context and maximising the safety of users.

#### Loss of mature trees.

- 8.19 Saved policy DEV15 of the adopted UDP and policy DEV13 of the IPG seek to ensure that any mature trees removed are replaced appropriately.
- 8.18 The Councils Arboriculture Officer has raised no objection to the felling of the existing trees and has suggested a London Plan tree as a replacement.
- 8.19 Whilst the felling of the existing mature trees is not ideal, the roots of the tree currently disrupt the surface of the tarmac and would need to be removed for the development to be implemented. It should be noted that given the site is not located within a Conservation Area the Council is unable to prevent the removal of these trees.
- 8.20 However, in order to mitigate the loss of the existing trees, a condition is recommended to ensure that the trees are replaced and appropriate landscaping is provided in order to improve the environment.
- 8.21 In conclusion, the loss of the two trees is considered acceptable given the support of the Councils Arborist and the replacement planting proposed. As such the proposal accords with saved policy DEV15 of the adopted Unitary Development Plan 1998 and policy DEV13 of the Interim Planning Guidance which seeks to ensure that any mature trees removed are replaced appropriately.

#### **Amenity**

##### Sunlight/ Daylight

- 8.21 Saved policy DEV2 of the Unitary Development Plan 1998 seeks to ensure that the adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions. This is reinforced by DEV1 of the Interim Planning Guidance October 2007 which requires development to protect, and maintain the amenity of adjacent residents.
- 8.23 The form of the proposed buildings generally follows the building lines of the adjoining buildings, which is not considered to result in an adverse impact on the



amenity of adjoining properties.

- 8.23 However, the exception to this is the proposed two bedroom dwelling proposed adjoining 192 Bruce Road. This extends approximately 3.5m from the rear wall of 192 Bruce Road.
- 8.24 The Councils Environmental Health Officer initially raised concerns regarding the potential impact in terms of daylight and sunlight. However the applicant has provided additional information outlining that the proposal would not adversely affect the property in terms of Daylight and Sunlight.

#### Sense of Enclosure/ Loss of Outlook

- 8.25 Given the position and design of the proposal, the development would not create any unacceptable sense of enclosure or loss of outlook to habitable rooms adjacent to the site. As such, the proposal would accord with saved policy DEV2 of the Unitary Development Plan 1998 and policy DEV1 of the Interim Planning Guidance.

#### Noise

- 8.26 It also noted that concerns have been raised regarding noise and disturbance. Given the residential nature of the use and the area it is not considered that this would give rise to amenity issues

#### Amenity Space

- 8.27 Saved policy HSG16 of the Unitary Development Plan states that all development should have an adequate provision of amenity space. The supplementary planning guidance indicates that 50sqm should be provided for new dwelling houses.
- 8.28 The proposed 3 bedroom house has the provision of 69sqm of amenity space in the form of a front garden and rear garden. In addition, balconies are also proposed at first and second floor levels.
- 8.29 The proposed two bedroom dwelling house is proposed to have 45sqm of amenity space in the form of a front garden and side garden. A further 2.3sqm is proposed in the form of a balcony at first floor level.
- 8.30 Whilst it is noted that the two bedroom property falls 2.7 sq m short of the required 50 sq m, given the urban constraints it is considered that objections on this ground cannot be sustained. As such, it is considered that the amount and quality of the amenity space provided is acceptable and in accordance with the requirements of saved policy HSG16 of the Unitary Development Plan.

#### **Highways**

##### Access

- 8.31 The Site is located within an area of good transport, between Bow Church and Devon Road DLR stations. In addition, the site is within easy walking distance to Bow Road where there are numerous other transport options available.

##### Parking

- 8.32 In accordance with Policy CP40 of the Interim Planning Guidance October 2007 the

Council seeks to minimise the use of cars in areas of high public transport and as a result recommends a condition to prevent parking permits being issued to the new residents of the development.

- 8.33 In terms of bicycle provision, the development proposes 4 residential bicycles. This is in-line with the IPG and any planning permission would be conditioned to ensure that cycle spaces are provided and retained.

#### Servicing and Refuse Provisions

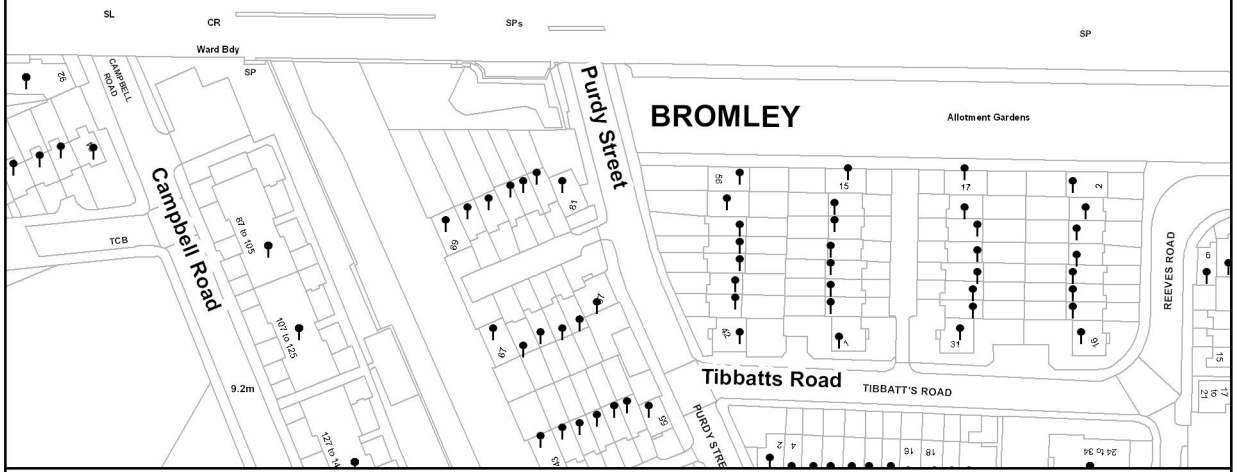
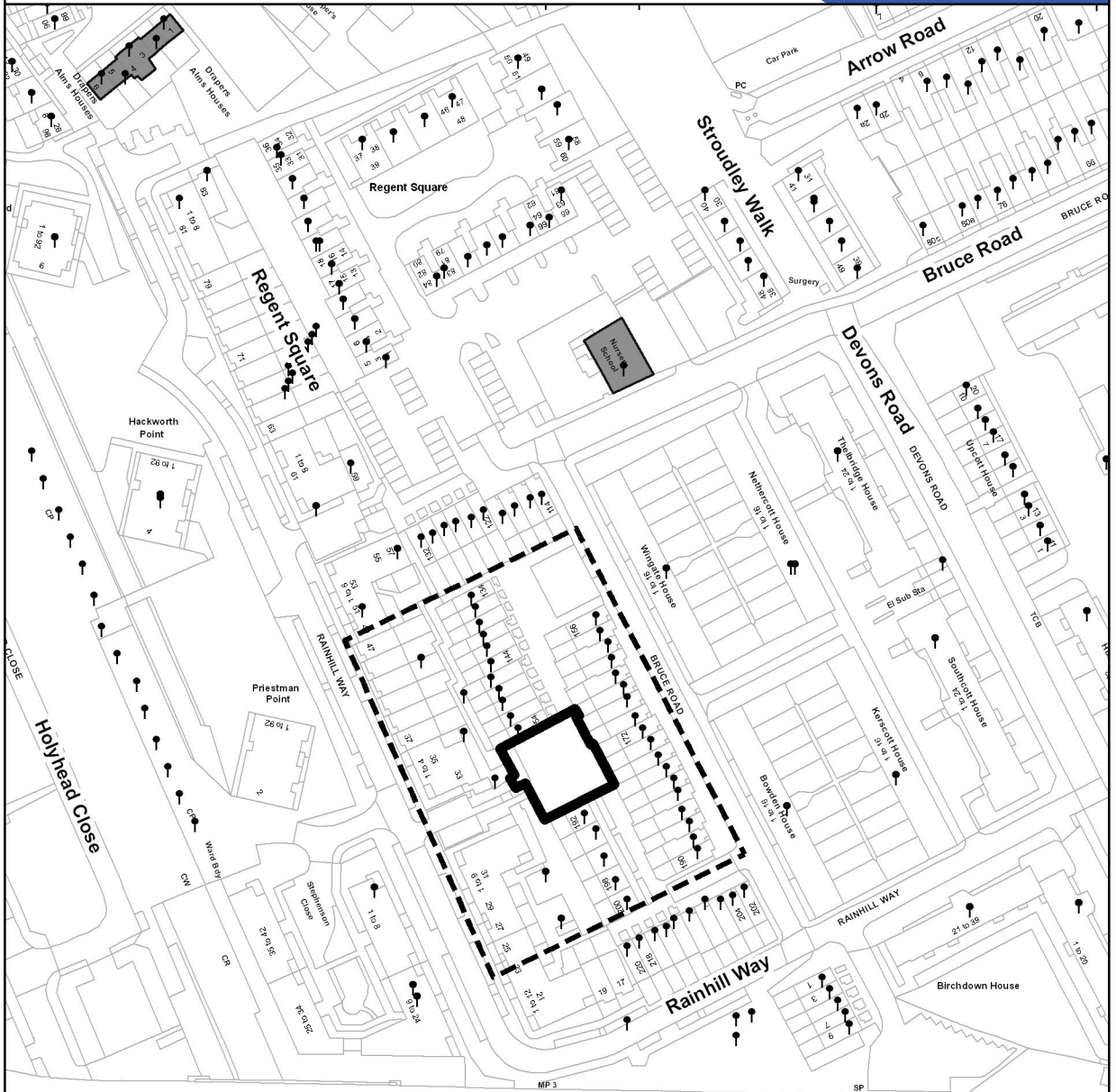
- 8.34 Provision for the storage of refuse and recyclable for the residential use has been provided for via enclosed areas in close proximity to Bruce Road. It is considered that existing refuse arrangements which serve properties 154 and 192 Bruce Road could be extended to provide refuse to the proposal site.

#### **Conclusions**

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



# Planning Application Site Map



Planning Application Site Boundary
  Statutory Listed Buildings

Consultation Area
  Land Parcel Address

0      30 m
1:1,750

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office (c) Crown Copyright