

Decision Level: Development Committee	Date: 15 December 2010	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Development & Renewal		Title: Planning Application for Decision	
Case Officer: Shay Bugler		Ref No: PA/10/1479	
		Ward(s): Weavers	

1. APPLICATION DETAILS

Location: Site at 60 to 61 Squirres Street & 52 Florida Street, E2 6AJ

Existing Use: Residential

Proposal: Erection of 2 x 2 bed duplex residential units on the roof space of the existing four-storey flatted building.

Drawing Nos:

- Design and access report by PH+ Architects dated July 2010
- Impact Statement by PH+ Architects dated July 2010
- Daylight & sunlight report by Building Research Establishment Ltd dated 2008 & 2010

Drawing numbers: 2(01)01; 2(02)20; 2(02)01; 2(03)00; 2(03)01; 2(04)00; 2(04)01; 2(04)02; 2(12)00; 2(12)01; 2(12)02; 2(13)00; 2(13)01; 2(14)00; 2(14)01; 2(14)02; 2(19)00; 2(19)01; 2 (27)00 Rev A

Applicant: PH+ Architects
Owner: Event Investments Ltd
Historic Building: N/A
Conservation Area: N/A

2. BACKGROUND

2.1 This application for planning permission was reported to the Development Committee on 10th November 2010 with an officer recommendation for approval. A copy of the case officers' report containing the summary of material planning considerations, site and surroundings, policy framework, planning history and material planning considerations is attached at appendix 1 and appendix 2 to this item.

2.2 After consideration of the report and the update report, the committee resolved that it was minded to refuse planning permission on the following grounds:

- The proposal by virtue of its height, scale and bulk would result in overdevelopment of the site.
- The proposal would result in undue overlooking and loss of privacy to nearby properties.
- The proposal would result in unacceptable loss of daylight and sunlight to nearby properties.
- It would not be possible to enforce a car free agreement.

- 2.3 In accordance with Rule 10.2 of the Constitution, the application was deferred to a future meeting of the Committee to enable officers to present a supplemental report setting out reasons for refusal and the implications of the decision. The proposed reasons for refusal and implications are set out in the following sections of the report.
- 2.4 As noted in the final bullet point in section 2.2 of the report, the committee resolved that members were minded to refuse planning permission on the basis that it would not be possible to enforce a car free agreement. However, concerns over process and procedures in relation to enforcing car free agreements cannot form a reason for refusal and is therefore not included in the reasons for refusal set out in section 3.1 of the report.

3.0 Recommendation

- 3.1 It is recommended that planning permission is refused for the following reasons:

1. The proposal by virtue of its height, scale and bulk would result in overdevelopment of the site and any of the problems that are typically associated with overdevelopment. As such, the proposal is therefore contrary to policies 3A.3 of the London Plan (2008); policies SP02 & SP10 of the adopted Core Strategy (2010); 'saved' policy DEV1 of the Council's Unitary Development Plan (1998) and policies DEV2 & HSG1 of the Council's Interim Planning Guidance (2007) which seeks to ensure developments are suitably located and provide an acceptable standard of accommodation.

2. The proposed development would result in unacceptable loss of daylight and sunlight to nearby residential properties and as such is contrary to policy SP10 of the adopted Core Strategy (2010); 'saved' policy DEV2 of the adopted Tower Hamlets Unitary Development Plan 1998 and policy DEV1 of Council's Interim Planning Guidance which seek to ensure that development does not have an adverse impact upon the amenity value to neighbouring properties.

3. The proposed development would result in undue overlooking and loss of privacy to nearby residential properties and as such is contrary to policy SP10 of the adopted Core Strategy (2010); 'saved' policy DEV2 of the adopted Tower Hamlets Unitary Development Plan 1998 and policy DEV1 of Council's Interim Planning Guidance which seek to ensure that development does not have an adverse impact upon the amenity value to neighbouring properties.

4.0 IMPLICATIONS OF THE DECISION

- 4.1 Following the refusal of the application there would be a number of possibilities open to the Applicant. These would include (though not be limited to):

1. Resubmission of an amended scheme to overcome reasons for refusal;
2. The applicant could appeal the decision and submit an award of costs application against the Council. Planning Inspectorate guidance on appeals sets out in paragraph B20 that:

" Planning authorities are not bound to accept the recommendations of their officers. However, if officers' professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the Council".

3. There is a financial implication which may arise from an appeal against the Council's decision. Whilst parties to a planning appeal are normally expected to bear their own costs, the Planning Inspectorate may award costs against either party on grounds of "unreasonable behaviour."
4. The Council would vigorously defend any appeal.

5.0 APPENDICIES

Appendix One - Committee Report to Members on 10th November 2010
Appendix Two – Addendum Report to Members on 10th November 2010