

Committee: Development	Date: 10 th July 2012	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal Case Officer: Kamlesh Harris		Title: Planning Application for Decision Ref No: PA/11/02495 Ward(s): Spitalfields and Banglatown	

1. APPLICATION DETAILS

Location:	4 Wilkes Street, London E1 1QF
Existing Use:	Retail at ground floor and light industrial at upper levels.
Proposal:	Erection of roof extension to provide additional office space. Formation of roof terrace with associated timber screening.
Drawing Nos:	OS Site map no. P1000 Drawing no's: P100, P101, P102, P300, P304, P305, P307, P346, P348, P500, D40, D41, E11, E13, E42, S41, S42, S43, S45 and S47
Supporting Documents:	Design, Access and Impact Statement, by Brown and Pletts LLP and dated September 2011
Applicant:	Ofer Zeloof
Owner:	Applicant
Historic Building:	Adjoins 6 Wilkes Street. Grade II Listed. Adjoins 2 Wilkes Street. Grade II Listed.

Conservation Area: Fournier Street/Brick Lane

2. BACKGROUND

- 2.1** This application was reported to Development Committee on 10 May 2012. The Committee resolved **NOT TO ACCEPT** officers' recommendation to GRANT planning permission (subject to conditions) for the erection of roof extension to provide additional office space. Formation of roof terrace with associated timber screening.
- 2.2** Officers recorded that Members were minded to refuse planning permission for the following reasons:
- Loss of light to the surrounding neighbours (in particular 6-10 Princelet Street and the garden of 6 Wilkes Street).
 - The cumulative impact on residents in terms of overlooking and the lack of environmental benefits.
- 2.3** It should be noted that an objector who was present at Development Committee on 6th June has questioned whether the published minutes and decision of this meeting accurately reflect the discussions that took place. In particular a concern has been raised as to whether the second bullet point above is correct. Members will have the opportunity to review minutes of previous meetings under Part 3 of this Agenda.
- 2.4** This application was reported as a deferred item to Development Committee on 6th June but was not heard as the meeting was cancelled. This report replaces the report to Committee on 6th June. The report has been amended and updated to include a summary of additional
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representations that have been received.

PROPOSED REASONS FOR REFUSAL

3.3 Officers interpreted Members' reasons/concerns and drafted reasons for refusal to cover the issues raised. The two reasons for refusal suggested are as follows:-

1. The development by reason of its proximity to neighbouring properties, in particular 6-10 Princelet Street and the garden of 6 Wilkes Street, would result in a loss of light and outlook to the occupiers of the these properties. The proposal would therefore be contrary to the aims of saved policies DEV2 of the adopted Tower Hamlets Unitary Development Plan 1998, policy SP10 of the adopted Core Strategy 2010, policy DM27 of the Managing Development DPD Submission version May 2012 and policy DEV1 of the Interim Planning Guidance (2007). These policies seek to protect the amenity of surrounding existing and future residents.
2. The proposal by virtue of its elevated position and the provision of a roof terrace would result in an increase in the perception of overlooking to neighbouring residential properties. The provision of a roof terrace serving an office development would cause harm to the amenities of neighbouring occupiers without delivering any significant benefits for the users of the office building or other surrounding residents. The proposal is therefore contrary to the objectives of saved policy DEV2 of the adopted Tower Hamlets Unitary Development Plan 1998, policy SP10 of the Adopted Core Strategy 2010, policy DM27 of the Managing Development DPD Submission version May 2012 and policy DEV1 of the Interim Planning Guidance (2007). These policies require development proposals to protect the amenity of surrounding existing and future residents.

4. ADDITIONAL REPRESENTATIONS

4.1 The Applicant has submitted additional information in response to the concerns raised by Members at the previous Committee Meeting on 10th May.

4.2 This information responds to the concerns raised by Members in relation to potential loss of light to neighbouring properties. This information re-iterates that the proposal complies with relevant BRE guidance in relation to 6 – 10 Princelet Street and 6 Wilkes Street. The information also re-iterates that the proposed 1.8m high privacy screening would prevent over-looking to north, east or south.

4.3 Officers note that no explicit assessment has been made in relation to the impact on 2 Princelet Street, which has been raised as a concern.

4.4 Additional representations have also been received since the publication of the previous reports. The representations re-iterate some points that have previously been made, highlight some areas of particular concern for residents, and also suggest two additional reasons for refusal. The concerns raised include:-

- The roof terrace could cause environmental nuisance from noise and disturbance;
- The roof terrace could be used by large numbers of people, especially corporate entertaining;
- The terrace is not needed / there are other external spaces within building;
- The proposed condition to restrict times of operation of the use terrace is not clear on which days this would apply to. The condition would be difficult to enforce;
- The timber screen prevents overlooking, however it causes problems in terms of

- outlook for neighbouring residents and appearance; and
- The Applicant could easily amend proposal to remove roof terrace.

4.5 Objectors have suggested two additional/alternative reasons for refusal:

1. The proposal by virtue of the elevated position and size of the roof terrace would result in an unacceptable impact on the residential amenity of surrounding residents, due to the noise and disturbance, and the potential for smoke and odours, which would arise from its use in conjunction with the office use of the building. The proposal is therefore contrary to the objectives of saved policy DEV2 of the adopted Tower Hamlets Unitary Development Plan 1998, policy SP10 of the Adopted Core Strategy 2010, policy DM27 of the Managing Development DPD Submission version May 2012 and Policy DEV1 of the Interim Planning Guidance (2007). These policies require development proposals to protect the amenity of surrounding existing and future residents.
2. The timber screen to the roof terrace, proposed to mitigate the otherwise unacceptable impacts of overlooking and loss of privacy to surrounding residential dwellings, itself results in a loss of outlook and has an adverse impact on the visual amenity currently enjoyed by those dwellings. The proposal would therefore be contrary to the aims of saved policies DEV2 of the adopted Tower Hamlets Unitary Development Plan 1998, policy SP10 of the adopted Core Strategy 2010, policy DM27 of the Managing Development DPD Submission version May 2012 and policy DEV1 of the Interim Planning Guidance (2007). These policies require development proposals to protect the amenity of surrounding existing and future residents.

5. CONCLUSION

- 5.1 Officers recommend that Members consider the additional representations made by the Applicant and objectors before making a final decision on the proposal.
- 5.2 Officers consider that it may prove difficult to substantiate the reasons given at paragraph 3.3 of the report. In particular where issues have been raised about loss of daylight / sunlight and where the Applicant has submitted a BRE report demonstrating compliance with the relevant criteria. The two reasons suggested by objectors are more subjective, and it is considered by officer that these reasons for refusal could be defended more robustly at appeal.
- 5.3 Should Members decide to re-affirm their previous resolution and refuse planning permission, either as previously confirmed or as amended (following consideration of this report) there are a number of possibilities open to the Applicant. These would include (though not limited to):-
 - Resubmit an amended scheme to attempt to overcome the reasons for refusal.
 - Lodge an appeal against the refusal of the scheme. The Council would defend any appeal against a refusal.

6. OFFICER RECOMMENDATION / IMPLICATIONS OF DECISION

- 6.1 Officers have proposed detailed reasons for refusal based on the resolution of Members at the meeting on the 10th of May 2012 and these are set out at paragraph 3.3 of this report.
- 6.2 Members are recommended to resolve to **REFUSE** planning permission for the reasons

previously given as set out paragraph 3.3 of this report or for reasons amended following consideration of the additional representations from the Applicant and objectors.

7. APPENDICIES

- 7.1 Appendix One – Report to Development Committee 10th May 2012
- 7.2 Appendix Two – Addendum Report to Members on 10 May 2012.
- 7.3 Appendix Three - Additional Representation from Applicant
- 7.4 Appendix Four – Additional Representation from Objector