

UPDATE REPORT OF DIVISIONAL DIRECTOR OF PLACE

Agenda item no	Reference no	Location	Proposal / Title
6.1	PA/16/01920	82 West India Dock Road, E14 8DJ and land to the east (including West India Dock Road) and bounded by the DLR line to the south, part of Pennyfields to the east and part of Birchfield Street to the north.	Erection of a part 18, part 37 storey building comprising 20,079 m2. (GIA) of residential floorspace (Class C3) (202 residential units comprising 69 x 1 bed, 100 x 2 bed and 27 x 3 bed and 6 x 4 bed), 11,597 m2. (GIA) of hotel floorspace (Class C1) consisting of 320 hotel rooms with ancillary bar and restaurant area, 89 m2. (GIA) of flexible retail and community floorspace (Class A1, A2, A3, D1 and D2), 1,729 sq. m. (GIA) of ancillary floorspace comprising associated plant, servicing areas, cycle parking and refuse stores, demolition and replacement of the existing Westferry DLR staircase, creation of a new 'left turn only' vehicular access from West India Dock Road, hard and soft landscape improvements to the adjacent areas of highway and public realm and other associated works.

1 UPDATE

- 1.1 This report deals with matters that have arisen or correspondence received since publication of the agenda.

2 REVISIONS TO THE APPLICATION

- 2.1 On Friday 7th July 2017, the applicant's agent (GVA) submitted amended drawings revising the proposal as follows:

- Communal resident's lounge within the building at Ground floor / Mezzanine level increased to 239 m2 achieved by relocating a plant room to the basement.
- Increasing the affordable housing offer to 40.2% by habitable rooms replacing 15 market units on levels 15, 16 and 17 by 15 intermediate units resulting in a ratio of 62% affordable rented to 38% intermediate.

- 2.2 The two revisions alter officer assessments within the SDC report '*Residential tenure mix*' (paragraphs 10.118 to 10.131) and '*Communal amenity space*' (paragraphs 10.156 to 10.170). Updated assessments are provided below.

3 REVISIONS TO THE SUBMITTED DRAWINGS LIST

- 3.1 Revised drawings:
- 7307-B0-A-B5D9-P-01-001 Rev02 Level 01/Mezzanine GA Plan
 - 7307-B0-A-B5D9-E-N-001 Rev 03 GA North Elevation

- 7307-B0-A-B5D9-E-S-001 Rev 03 GA South Elevation
- 7307-B0-A-B5D9-E-W-001 Rev 03 GA West Elevation
- 7307-B0-A-B5D9-E-E-001 Rev 03 GA East Elevation
- 7307-B0-A-B5D9-S-AA-001 Rev 04 Site Section AA

Additional Document:

- 7307-A-Z100-P-AL-001 Rev 19) Master Area Schedule

4 Communal amenity space

- 4.1 The enlarged 239 m2 communal resident's lounge is only marginally beneath the 242 m2 required by Managing Development Document Policy DM4 for the provision of communal amenity space.
- 4.2 The GLA's child yield calculator estimates that the revised housing arrangements would generate 71 children (28 children under 5, 25 children aged 5-11 and 18 children aged 12+) requiring 707 m2 of child play space.
- 4.3 There would be a total of 759 m2 of play space available on both roof gardens which can accommodate the 707 m2 child play space requirement (with an excess of 52 m2) without reliance on the use of Pennyfields.
- 4.4 The revisions mean that recommended Refusal Reason 4 'Amenity space' falls away.

5 REVISED RESIDENTIAL TENURE MIX

Unit size	Total units in scheme	Affordable housing						Market housing		
		Affordable rented 62%			Intermediate 38%			Private sale		
		scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
studio	0	0	0%	0%	0	0%	0%	0	0%	0%
1 bed	69	11	28%	30%	14	40%	25.0%	44	34%	50%
2 bed	100	10	26%	25%	21	60%	50.0%	69	56%	30%
3 bed	27	12	31%	30%	0	0%	25%	15	11%	20%
4 bed	6	6	15%	15%	0	0%		0	0%	
5 bed	0	0	0%	0%	0	0%		0	0%	
6 bed	0	0	0%		0	0%		0	0%	
TOTAL	202	39	100%	100%	35	100%	100%	128	100%	100%

- Mix in affordable rented – Local Plan compliant
- No intermediate family housing 3 bed+
- 11% 3 bedroom market housing - Local Plan target 20%
- 40.2 % affordable housing offer policy complaint
- 62% affordable rented & 38% intermediate remains in line with London Plan Policy 3.11 ratio 60:40

6 ADDITIONAL LOCAL REPRESENTATION

- 6.1 A further local objection has been received on the following grounds:

- Size out of proportion with existing buildings and the surrounding area, significantly taller than previously approved,
- Glass facade out of keeping with the brick in the surrounding area,
- No attempt to take any design influence from the surroundings,
- Approval of this out of context building will lead to ever higher buildings being brought forward with this area at risk of being overdeveloped and its beauty destroyed,
- Light issues with a large section of the surrounding area in permanent shadow,
- Adverse micro climate created,
- Not in keeping with the key heritage assets of St Anne's Church and the Limehouse Conservation Area,
- Public transport is at capacity, adding this many people will take it to breaking point,
- The building is unsuitable for the locality, would forever damage a beautiful part of the borough and blight many residents lives contrary to LBTH's charter to make the borough *'the best place to work and live'*.

7. REPRESENTATIONS BY THE APPLICANT

- 7.1 Further representations have been received from the applicant's agent. These are summarised below in italics under the specific topic headings within the SDC report with officer comments following after each topic.

Executive Summary

- 7.2 The applicant's agent states:

The statement at paragraph 2.4 that there could be unacceptable overlooking and loss of privacy to the residents of Cayman Court is misleading. The report concludes that on balance, adequate privacy would ensue (Para 10.149). This should be corrected.

Officer comment: The report correctly describes the proximity between habitable rooms within the development and Cayman Court and 'on balance' recommends that adequate privacy would ensue. No correction considered necessary.

Urban design and heritage assets

- 7.3 *The agent is concerned that the public realm improvements and local training initiatives (totalling £2,850,258) have not been referred to when weighing the harm to the heritage significance against the overall public benefits as required by the NPPF test.*

Officer comment: Should the Committee decide that the proposed development would lead to substantial harm to a designated heritage asset officers do not consider the harm is necessary to secure public realm works or local training. In the case of less than substantial harm being caused to the significance of a designated heritage asset, it is accepted that the harm should be weighed against the public benefits that would ensue including from the offered funding.

Wind Assessment

- 7.4 *The agent is concerned that despite the council's EIA consultant confirming that the Wind Assessment within the Environmental Statement was acceptable, further advice has been commissioned from the BRE. Sight of the BRE advice is requested to enable comment.*

Officer comment: The role of the council's EIA consultant is to advise on whether the submitted Environmental Statement (ES) complies with statutory methodology requirements not technical outcomes. Officers were concerned about the wind conditions predicted by the ES and the efficacy of the suggested mitigation. The BRE was consequently commissioned to advise further. A copy of the BRE report has been supplied to the agent.

GLA Stage 1 Report

- 7.5 *The agent is concerned that the summary of the GLA Stage 1 Report is not fully representative. Key topics such as density, child play space, justification for height and quality of the architecture have not been included.*

Officer comment: Paragraph 8.2 of the SDC report quotes the GLA's Stage 1 advice to the council verbatim – the standard format of Tower Hamlet's reports. The officer's report provides an assessment of the application on matters that include density, child play space, height and architectural quality and may differ from the GLA analysis. These matters will be reconsidered by the GLA at Stage 2. A copy of the GLA's Stage 1 Report has been available for Members on Tower Hamlets web site since its receipt.

Air Quality

- 7.6 *Paragraph 8.35 states that the pollution levels are high adjacent to Pennyfields and recommends avoiding a play area in this location. This comment from the air quality officer does not appear in any correspondence and we have never been made aware that this is a concern. The last correspondence from the Council's Air Quality Officer dated 28th April confirms that all air quality issues are resolved. This statement should be withdrawn.*

Officer comment: Correspondence between the applicant and the Council's Air Quality Officer concerned the adequacy of mitigation within the development itself. The Air Quality Assessment within the applicant's Environmental Statement failed to model the areas indicated for the play area sports areas adjacent to the surrounding highways. Further advice was consequently requested from the Air Quality Officer that is accurately reported. This issue is no longer relevant given it is now proposed that child play space would be provided wholly on site.

Servicing

- 7.7 *Paragraph 8.44 states that service trips 'appear underestimated' and a revised Service Management Plan is required. There is no evidence to suggest that the trips have been underestimated. Furthermore, all transport and servicing issues have been confirmed as being acceptable by LBTH Highways.*

Officer comment: Paragraph 8.44 accurately reports advice from the Council's Transportation and Highways department. This matter can be dealt with by condition should Members decide not to accept the officers recommendation.

Transfer of Land

- 7.8 *Paragraph 8.46 states that public realm works will require areas of land to be transferred between LBTH and the applicant. This is only true for a small area of land adjacent to the building where the proposed servicing and parking bays are located. This arrangement was agreed Transportation and Highways. This statement does not apply to the remaining areas of land and is therefore misleading. It has been previously agreed that public realm improvements can be undertaken by the Council using section 106 and section 278 Agreements. This should be clarified.*

Officer comment: Paragraph 8.46 accurately reports advice from the Council's Transportation and Highways department. As confirmed by Corporate Property and Capital Delivery (Asset Management) (SDC report paragraph 8.37) access to the development using Mandarin Street cannot be implemented unless arrangements are in place with the council as part owner of Mandarin Street.

Density

- 7.9 *Paragraph 10.41 is not correct. We advised that taking the area within the red line area alone would not be acceptable in line with London Plan methodology. We provided four scenarios to show how density could be measured. Our preferred scenario excluded the adjacent roads but included the adjacent land where the wider public realm improvements are located because they are integral to the proposed development and establish a setting for the building. The GLA agreed with this approach. It was agreed all of the four scenarios would be presented. This is not an objective way to present the density of the scheme. The scenario with the public realm improvements included equate to a net residential density of 803 hr/ha which is below the recommended guidelines in the London Plan density matrix. This should be included in the report for completeness, even if a different view is taken on which figure to use.*

Officer comment: In line with the Mayor's 'Housing' SPG a bespoke method of calculating density was agreed with the applicant's agent with the three agreed scenarios included at paragraph 10.41 of the SDC Report. The applicant's additional scenario incorporating the wider public realm in the calculation is illustrated below. As explained at paragraphs 10.40 & 10.41 of the SDC report it is not accepted that the agent's calculation accords with the Mayor's SPG methodology. The agent also agrees that their 803 hr/ha calculation above is incorrect.



1,061 habitable rooms per ha
359 units per ha

Quality of Architecture and Design

- 7.10 *There is no assessment of the architectural quality of the scheme. It only considers heritage impact. This appears a glaring omission considering this is a proposal for a tall building and the quality of architecture is one of the key London Plan policy tests to allow height (Policy 7.7). This is also not included in the density assessment table on page 50. The proposed architecture and design has also been supported by the GLA as evidenced in their Stage 1 Report.*

Officer comment: It is accepted that the design is itself a good quality but this does not mean that the building is appropriate to the site. At Stage 1 the GLA considered -*“The building would appropriately mark the western approach to Canary Wharf and the Isle of Dogs, and the location of Westferry DLR Station. The building would also be consistent with the general pattern of development within the wider Canary Wharf/Isle of Dogs tall buildings cluster.”*

Officers advise that the development is clearly at odds with the local character contrasting drastically with the functional importance of this location without policy support (SDC report paragraph 10.81) conflicting with MDD Policy DM26 ‘*Building heights and the Town Centre Hierarchy*’ (paragraph 10.66). The Council’s Conservation and Design Advisory Panel (paragraph 8.65) whilst acknowledging that the design is itself a good quality building, considered 37-storeys was overdevelopment and out of context. The Panel was unconvinced by the attempt to place the building in the context of tall buildings in and around Canary Wharf.

Officers accept that design quality falls within the Mayor’s tests for exceeding the London Plan Sustainable residential quality density matrix (SDC report paragraph 10.43) and should be taken into consideration by the Committee.

Townscape and Heritage Impact

- 7.11 *Paragraph 10.89 states that no tall buildings have impacted on the skyline of the Grade 1 Warehouse that remains entirely unsullied. This is misleading as it fails to highlight the fact that breaking this roofline was considered acceptable first by the Inspector at appeal in relation to the 20 storey 2007 scheme and then the 16 storey 2010 scheme, which has since been implemented and could be built out.*

Paragraph 10.90 then states that the degree of harm to this particular view would be at least 'less than substantial' in terms of the NPPF tests but could be considered to cause 'substantial' harm. We do not understand how this view can be reached given the previous consented development on the site. This is also at odds with the view from Historic England. It is considered that the Council should provide one view, rather than saying it could be both.

Officer comment: Paragraph 10.90 of the SDC report advises that the proposed 37-storey building with far greater mass and bulk would impact on the West India Dock Conservation Area and the Grade 1 listed Warehouse far differently from the earlier proposals. Officer's advice is that the development would fail to preserve or enhance the character and appearance of the Conservation Area and adversely affect the setting of the Grade 1 listed building (the statutory tests within Sections 66(1) and 72(1) of the Listed Building and Conservation Areas Act). Officers also advise that the degree of harm would be at least less than substantial in terms of the NPPF tests but the Committee is entitled to consider whether there would be substantial harm.

Impact on Surroundings

- 7.12 *From viewing the daylight section of the report, it is evident that the numerous clarifications and further information provided by EB7 to BRE have not been taken into account. This suggests that the impacts have not been fully considered. There is also a concern that the implemented scheme is not been taken as the baseline condition (considering Cayman Court was only permitted and constructed following previous consents for tall buildings).*

Officer comment: Officers are content that the SDC report accurately reports the BRE's advice and subsequent correspondence by EB7. Officers are also satisfied that the report correctly advises that the resultant daylight conditions at Cayman Court and three flats at Compass Point would seriously breach BRE guidelines and development plan policy. It is not accepted that the 2010 hotel scheme should be taken as a baseline to assess the daylight impacts of the development now proposed.

- 7.13 The applicant's agent has also supplied comments by Peter Stewart Consultancy on recommended Refusal Reason 2 'Urban design and heritage assets.' These repeat townscape information and opinions comprised within the submitted Environmental Statement, provide a history of the application and recommendations from Historic England that is included within the SDC report.
- 7.14 Peter Stewart Consultancy's assessment of impacts is as follows:

The Grade 1 warehouse and general offices North Quay
Effect: Moderate significance, neutral effect.

West India Dock Conservation Area
Effect: Minor or Moderate significance, neutral effect

Grade II Limekiln Dock and associated Grade II buildings

Effect: Moderate significance, neutral effect.

Narrow Street Conservation Area

Effect: Moderate significance, neutral effect

St. Anne's Church Grade I

Effect: Moderate significance, neutral effect

St. Anne's Church Conservation Area

Effect: Moderate significance, neutral effect

- 7.15 Peter Stewart Consultancy does not believe that the proposed development results in harm to any of the identified heritage assets. Should others disagree, the harm would be less than substantial and outweighed by the public benefits of the development.

8 RECOMMENDATION

- 8.1 Officer recommendation remains that subject to any direction by the Mayor of London, planning permission should be **REFUSED** for the reasons set out in paragraph 3.1 of the report except that Reason 4 '*Amenity space*' should fall away.