

Committee: Strategic Development	Date: 23 rd September 2009	Classification: Unrestricted	Agenda Item No:
Report of: Director of Development and Renewal		Title: Town Planning Application and Conservation Area Consent	
Case Officer: Richard Murrell		Ref No: PA/08/02709 and PA/08/0710 (CAC)	
		Ward: Millwall (February 2002 onwards)	

1. APPLICATION DETAILS

Location: Hertsmere House, 2 Hertsmere Road , London E14 4AB
Existing Use: Office (Class B1 Use)
Proposal: Demolition of existing building.
Erection of a ground and 63 storey building for office (use class B1), hotel (use class C1), serviced apartments (sui generis), commercial, (use classes A1-A5) and leisure uses (use class D2) with basement, parking, servicing and associated plant, storage and landscaping. (Maximum height 242 metres AOD).

Drawing Nos/Documents: PA/08/02709
A1/PL/000 REVA, A1/PL/001 REVC, A1/PL/002 REVA,
A1/PL/003 REVB, A1/PL/004 REVA, A1/PL/005 REVB,
A1/PL/007 REVA, A1/PL/008 REVA, A1/PL/019 REVA,
A1/PL/021 REVB, A1/PL/028 REVA, A1/PL/029 REVA,
A1/PL/030 REVB, A1/PL/031 REVA, A1/PL/032 REVA,
A1/PL/033 REVB, A1/PL/034 REVA, A1/PL/046 REVA,
A1/PL/047 REVA, A1/PL/048, A1/PL/049, A1/PL/056 REVA,
A1/PL/057 REVA, A1/PL/058 REVA, A1/PL/059 REVA,
A1/PL/060 REVA, A1/PL/062 REVB, A1/PL/063 REVB,
A1/PL/064 REVB, A1/PL/065 REVB, A1/PL/066 REVA,
A1/PL/067 REVA, A1/PL/068 REVA, A1/PL/069 REVA,
A1/PL/070 REVA, A1/PL/071 REVA, A1/PL/072 REVA,
A1/PL/073 REVA, A1/PL/074 REVB, A1/PL/075 REVB,
A1/PL/076 REVA, A1/PL/080 REVA, A1/PL/081 REVA,
A1/PL/082 REVA, A1/PL/083 REVA, A1/PL/085 REVA,
A1/PL/086 REVA, A1/PL/087 REVA, A1/PL/088 REVA,
A1/PL/090 REVA, A1/PL/091 REVB, A1/PL/092 REVB,
A1/PL/093 REVA, A1/PL/094 REVB, A1/PL/095 REVB,
A1/PL/096 REVB, A1/PL/097 REVB, A1/PL/098 REVB,
A1/PL/099 REVB, A1/PL/101 REVA, A1/PL/102 REVB,
A1/PL/103 REVB, A1/PL/104 REVB, A1/PL/105 REVA,
A1/PL/106 REVA, A1/PL/107 REVA, A1/PL/108 REVA,
A1/PL/109 REVA, A1/PL/110 REVA, A1/PL/120 REVA,
A1/PL/121 REVA, A1/PL/122 REVA and A1/PL/123 REVA.

- Environmental Statement and Further Information
Prepared by URS Corporation December 2008, March 2009 and May 2009.
- Design and Access Statement
Prepared by Mark Weintraub Architecture & Design Dec. 2008
- Planning Statement
prepared by GVA Grimley December 2008

- Transport Assessment and Interim Travel Plan
prepared by Steer Davies Gleave dated December 2008
- Sustainability Statement
Prepared by URS Corporation December 2008
- Consultation Sweep-Up (including revised Energy Statement, Access Statement and Aerodrome Safeguarding Assessment)
Prepared by various authors. April 2009.

PA/08/02710
Site Location Plan and A1/PL/112A

- Environmental Statement and Further Information
Prepared by URS Corporation December 2008, March 2009 and May 2009.
- Design and Access Statement
Prepared by Mark Weintraub Architecture & Design Dec. 2008
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Applicant: Commercial Estates Group for and on behalf of GMV Ten Ltd
Ownership: Commercial Estates Group
 EDF Energy
Historic Building: Site in vicinity of Grade I and Grade II Listed buildings.
Conservation Area: West India Dock

2. RECOMMENDATION

- 2.1 Members are not required to make any decision. The purpose of this report is to update Member's on the progress of this application.

3 BACKGROUND

- 3.1 Applications for planning permission and conservation area consent were reported to Strategic Development Committee on 25th June 2009 with an Officer recommendation for approval.
- 3.2 Member's expressed concern over the design of the proposed building, the impact on the Conservation Area, the setting of adjacent Listed buildings, and on the impact on the amenity of neighbouring occupiers. Member's voted to defer making a decision to allow Officer's to prepare a supplemental report setting out the reasons for refusal and the implications of the decision.
- 3.3 A further report was presented to Members' on 4th August 2009, and it was resolved that the applications should be REFUSED for the following reasons:-

Planning application

1. *The proposed development, by virtue of its design, scale and massing would detract from the setting of nearby Grade I and Grade II listed buildings and would fail to preserve or enhance the character and appearance of the West India Quay Conservation Area and as such is contrary to policies 4B.11 and*

4B.12 of the London Plan (Consolidated with Alterations since 2004), saved policy DEV28 of the adopted Tower Hamlets Unitary Development Plan 1998, and policies CON1 and CON2 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure the preservation or enhancement of built heritage.

2. *The proposed development would result in unacceptable loss of daylight to Matthew House, Riverside House and Mary Jones House and an unacceptable loss of sunlight to Riverside House and as such is contrary to saved policies DEV1 and DEV2 of the adopted Tower Hamlets Unitary Development Plan 1998 and policies DEV1 and DEV2 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure development does not have an adverse impact on neighbouring amenity.*

Conservation Area Consent

1. The proposed building, by virtue of its design, scale and massing would not represent a suitable replacement for the existing building. The proposed demolition of the existing office block on-site is therefore contrary to the objectives of saved policy DEV28 of the adopted Tower Hamlets Unitary Development Plan 1998 and policy CON2 of the Council's Interim Planning Guidance (2007) Core Strategy and Development Control.

unless any contrary direction from the Mayor was received.

Direction of the Mayor

- 3.4 In accordance with the provisions of Town and Country Planning (Mayor of London) Order 2008 the planning application, and the connected application for Conservation Area Consent, were referred to the Mayor.
- 3.5 The Mayor has considered the case and has directed that he will 'take over' the applications and act as local planning authority. This means that London Borough Tower Hamlets cannot proceed and issue any decisions on these applications.
- 3.6 Three policy tests (specified in GOL Circular 1/2008) must be passed in order for the Mayor to justify taking over an application. The Mayor has produced a report setting out his reasons for taking over the application against these policy tests, which in summary are:-
 - a) The development would have a significant impact on the implementation of the London Plan because:
 - The proposal has a significant impact on the delivery of London Plan economic and land use policies for Canary Wharf. The application proposes 30, 085 square metres of office floorspace, 192 hotel rooms and could provide approximately 2,400 jobs.
 - The proposal has a significant impact on London Plan strategic views and would contribute to the expansion of the existing cluster of tall buildings in Canary Wharf.
 - The application would contribute towards the delivery of Crossrail, thus improving transport and development capacity in Canary Wharf and so impacting on the implementation of existing and emerging London Plan policies.
 - b) The development would have a significant effect on more than one borough

because:

- The development of a 63-storey building on the edge of the existing tall building cluster of tall buildings in Canary Wharf would increase its visibility from within a number of surrounding boroughs.
- The future development of the Isle of Dogs, and Canary Wharf, are interconnected with the Central Activity Zone and consequently those boroughs that share its designation.
- This application would contribute to the delivery of Crossrail thus increasing transport accessibility across London.

c) There are sound planning reasons for the Mayor's intervention because:

- Canary Wharf is known globally as a focus for banking, finance and business. Development in Canary Wharf should complement the international offer of the Central Activities Zone and support a globally competitive business cluster. The provision of a significant amount of office and hotel space would help to meet the future demands of the business and financial sector and would enable London to maintain, and expand, its world city role in accordance with national, regional and local policies.
- London Plan policy 5C.3 states that development in Isle of Dogs Opportunity Area should, subject to other policies, maximise non-residential densities. Failure to promote appropriate high-density commercial development within the Isle of Dogs, and particularly Canary Wharf, could potentially impact upon the economic health of the sub-region and London as a whole.

3.7 Under the provisions of the Order the Mayor has the power to approve or refuse the scheme. If the Mayor approves the scheme he will also be responsible for negotiating any S106 planning obligations and for imposing any conditions. If the scheme were recommended for approval the Council would be consulted on any proposed obligations or conditions.

Process for determining application

3.8 The Mayor will determine the applications at (or within a few days of) a public hearing. This is likely to take place in early October. All those who were originally consulted on the application will be sent a letter advising them of the date of the hearing. All those who have previously sent in representations regarding the applications will have the opportunity to speak at the hearing. These letters will be sent out by the Greater London Authority 14 days prior to the meeting taking place.

3.9 The local planning authority has the opportunity to make representations at the hearing, and Officers would use this opportunity to vigorously defend the decision made by the Council.

4.0 APPENDICIES

4.1 Appendix One - Original committee report to Members on 25th June 2009

4.2 Appendix Two – Addendum to main committee report to Members on 25th June 2009

4.3 Appendix Three – Report to Member's on 4th August 2009

4.4 Appendix Four – Draft decision notice