

Committee: Strategic Development	Date: 4 th August 2009	Classification: Unrestricted	Agenda Item No: 6.1
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, A1/PL/091 REVB, A1/PL/092 REVB, A1/PL/093
REVA, A1/PL/094 REVA, 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 REVA, 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.

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

- 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.

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 That the Committee resolve to **REFUSE** planning permission subject to:

A. Any **direction** by **The Mayor**

For the following reasons:

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 and sunlight to nearby residential properties 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 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.

2.2 That the Committee resolve to **REFUSE** Conservation Area Consent for the following reason:

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.

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. The proposed reasons for refusal are set out at Section 2 of this report.
- 3.3 Member's also sought clarification on the views of English Heritage on the amended design of the tower, and clarification on the use of the proposed S106 financial contributions.
- 3.4 English Heritage have now sent an updated consultation response in relation to the amended plans that were submitted. The response states:-

'Our [English Heritage's] letter of 3 June 2003 which concerned the original proposal (ref: PA/03/0475) stated that it is 'our view that the form and design of the podium building is overburdened with dubious historical and architectural references and poorly integrated with its surroundings'.

We note the revisions which have been made with regard to the podium elements. In our view, the simplification of the architectural language has gone some way to answering those particular concerns.

The original proposal was carefully considered by our London Advisory Committee following a site visit. Our comments with regard to its overall impact remain as expressed in our letter of 3 June 2003'

- 3.5 The original committee report included a proposed S106 contribution towards 'Transportation Improvements'. It was intended that this contribution would have been made to Transport for London for use to fund Crossrail.

Implication of decision

- 3.6 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):-
- i) Implementation of the previously approved planning permission (reference PA/03/00475);
 - ii) Resubmission of an amended scheme to overcome reasons for refusal;
 - iii) Lodge an appeal against the refusal of the scheme. The Council would vigorously defend any appeal against a refusal. It should be noted that following an appeal, the Secretary of State can make an award of costs if either party to the appeal has acted unreasonably.
- 3.7 Members are also advised that the Government is currently consulting on proposals to amend planning legislation to allow an application to be made to extend the time available to implement a planning permission. Such a provision may allow the Developer to extend the life of application reference PA/03/00475, which would otherwise expire in March 2010.

4.0 Conclusions

All other relevant policies and considerations have been taken into account. Planning permission and Conservation Area Consent should be REFUSED for the reasons set out in the RECOMMENDATION at the beginning of this report.

5.0 APPENDICIES

- 5.1 Appendix One - Original committee report to Members on 25th June 2009
- 5.2 Appendix Two – Addendum to main committee report to Members on 25th June 2009