Committee:	Date:	Classification:	Agenda Item No:
Strategic Development	27th October 2011	Unrestricted	6.1

Report of:	Title: Planning Application for Decision
Director of Development and Renewal	Ref No: PA/11/00163
Case Officer: Simon Ryan	Ward: St Katharine's and Wapping

1. APPLICATION DETAILS

Location: Tower House, 38-40 Trinity Square, London EC3N 4DJ

Existing Use: Vacant construction site and Tower Hill Underground station ticket hall

Proposal: Erection of a 9-storey building with basement, comprising a 370-room hotel (Use Class C1) with associated ancillary hotel facilities including cafe (Use Class A3), bar (Use Class A4) and meeting rooms (Use Class B1) with plant and storage at basement and roof level. The application also proposes the formation of a pedestrian walkway alongside the section of Roman Wall to the east of the site; the creation of a lift overrun to facilitate a lift shaft from ticket hall level to platform level within the adjacent London Underground station and associated step free access works; works of hard and soft landscaping; and other works incidental to the application

Drawing Nos/Documents:

- Drawing nos. 00_001 G, 00_002 F, 00_003 E, 00_101 E, 00_102 C, 00_103 E, 20_215 F, 20_216 F, 20_221 J, 20_222 H, 20_223 G, 20_224 G, 20_231 M, 20_232 N, 20_233 G, 20_239 G, 20_241 G, 21_401 C, 21_405 C, 21_406 B, 79_203, 79_413 D, 90_206 C and 90_252 A
- Design and Access Statement
- Design and Access Statement Addendum (incorporating public realm and landscaping works) dated June 2011
- Impact Statement dated January 2011
- Archaeological Assessment dated September 2002
- Townscape, Visual Impact and Built Heritage Report

Applicant: CitizenM Hotels

Ownership: Various, including London Underground Ltd, TfL, Historic Royal Palaces, The Corporation of London, Tower Hill Improvement Trust, DEFRA and EDF

Historic Building: No – however the adjacent buildings at nos. 41 and 42 Trinity Square are Grade II Listed, whilst portions of the adjacent Roman Wall are Grade I Listed and also a Scheduled Monument

Conservation Area: The Tower Conservation Area

2. RECOMMENDATION

2.1 That the committee takes into account the requested additional information detailed below and resolves to grant planning permission subject to:

A. The prior completion of a **legal agreement** to secure the following planning obligations:

Financial Contributions

a) Highways & Transportation: **£103,000**, comprising:
   - £3,000 towards monitoring the Travel Plan
   - £50,000 towards the Legible London wayfinding scheme
   - £50,000 towards the Cycle Hire Scheme

b) Employment & Enterprise: Up to **£108,450** (see contributions h & I below) towards the training and development of unemployed residents in Tower Hamlets to access either:
   - Jobs within the hotel developmental end-use phase; or
   - Jobs or training within Hospitality, Leisure, Travel & Tourism employment sectors in the final development

c) Leisure & Tourism promotion: **£54,500**; comprising:
   - £26,500 towards developing a destination map of the Borough for visitors
   - £28,000 towards business tourism promotion and implementing a programme with Visit London to promote Tower Hamlets as a business tourism destination in the UK, European and International Meeting, Incentive, Conference and Exhibition Market

Non-Financial Contributions

d) Delivery of public realm improvements and step-free access works;
e) No coach parking or drop-offs / pick-ups from Trinity Square or Coopers Row;
f) Code of Construction Practice - To mitigate against environmental impacts of construction;
g) Reasonable endeavours for 20% goods/services to be procured during the construction phase should be achieved by businesses in Tower Hamlets;
h) Reasonable endeavours for 20% of the construction phase workforce will be local residents of Tower Hamlets or a financial contribution of £30,533 to support and/or provide for training and skills needs of local residents in accessing new job opportunities in the construction phase of new development;
i) The equivalent of 20% of the workforce or 59 people residing in Tower Hamlets are given HLTT (Hospitality, Leisure, Travel & Tourism) sector related training or a financial contribution of £35,400 for the delivery of this training;
j) Access to Employment - To promote employment of local people during and post construction, including an employment and training strategy;
k) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

Total financial contribution: up to **£265,950**

2.2 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above.

2.3 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

1) Permission valid for 3 years;
2) Submission of details and samples of all materials;
3) Submission of details of lift overrun;
4) Submission of details of art wall;
5) Submission of hard and soft landscaping details;
6) Submission of details of highways works;
7) Contamination;
8) Construction Management and Logistics Plan;
9) Construction Environmental Management Plan;
10) Foul and surface water drainage;
11) Monitoring and protection of ground water;
12) Archaeology;
13) Air quality assessment;
14) Evacuation plan;
15) Scheme of necessary highways improvements to be agreed (s278 agreement);
16) Piling and foundations;
17) Landscape management;
18) Ventilation and extraction;
19) Refuse and recycling;
20) Travel Plan;
21) Coach, Delivery and Service Management Plan;
22) 5% Accessible hotel rooms and 5% future proofed;
23) Access management plan;
24) Pedestrian audit;
25) BREEAM;
26) Means of access and egress for people with disabilities;
27) Hours of building works;
28) Hours of opening of terrace;
29) Hammer driven piling;
30) Noise levels and insulation;
31) Vibration;
32) Compliance with the submitted Energy Strategy;
33) Integration of Combined Heat and Power;
34) Hotel Use Only;
35) Submission of secure by design and counter-terrorism statement;
36) Period of hotel suite occupation no longer than 90 consecutive days;
37) Approved plans; and
38) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

Informatives

1) Section 106 agreement required;
2) Section 278 & 72 Highways agreements required;
3) Contact Thames Water regarding installation of a non-return valve, petrol/oil-interceptors, water efficiency measures and storm flows;
4) Changes to the current licensing exemption on dewatering;
5) Contact LBTH Environmental Health;
6) Contact Environment Agency;
7) Section 61 Agreement (Control of Pollution Act 1974) required;
8) Closure of road network during Olympic and Paralympic Games
9) Contact London Fire & Emergency Planning Authority; and
    - Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

2.4 That, if by 27th January 2012, the legal agreement has not been completed; the Corporate Director of Development & Renewal is delegated power to refuse planning

permission.

3. BACKGROUND

3.1 This application for planning permission was reported to Strategic Development Committee on 15th September 2011 with an Officer recommendation for approval.

3.2 After consideration of the report and the update report, the committee resolved to defer the application for consideration at the next meeting of the Committee to enable:

1. A site meeting to be held so that Members may better acquaint themselves with the impact of the proposed development on the surrounding area; and
2. The provision of more detailed visual images of the proposed development

3.3 Further to the above, it has been arranged for the Committee to visit site prior to the forthcoming meeting. The applicant has also supplied two additional verified views of the proposal, which are shown in Section 5 below and will also be presented on-site and at the committee meeting.

4.0 ADDITIONAL LETTERS OF REPRESENTATION

4.1 Two further letters in support of the application have been received following the previous Committee meeting. These are from Transport For All and the Tower Hamlets Accessible Transport Forum. The letters raise the following points:

- A step-free tube would bring enormous benefits to older and disabled people in the Borough as well as to others including parents with push chairs;
- The proposal would connect the step-free DLR [at Tower Gateway] with the wider tube network;
- The majority of disabled people use the tube less than they would like to and are excluded from enjoying the capital's cultural and civic life;
- Inaccessible transport also prevents some disabled peopled from accessing their choice of job;
- A step-free Tower Hill would bring more people into the area;
- The failure of the proposal would be a lost opportunity to provide step free access for the immediate future;
- Tower Hill station is the gateway to the Borough so it is important to make sure it has the best standard of accessibility.

5.0 ADDITIONAL CONSULTATION RESPONSE

5.1 Further to the committee meeting on 15th September, the Council's Secure by Design Officer has made additional comments upon the scheme, with particular regard to the proposed walkway alongside the eastern elevation of the proposal, between the building and the Roman Wall. A meeting was recently held with the Secure by Design Officer as well as members of the Metropolitan Police's Counter Terrorism Security Advisor to discuss measures that could be incorporated into the proposed building and its environs, such as upgraded bollards and glazing. As detailed above in paragraph 2.3 of this report, a condition has been attached requiring the submission and approval of such measures in co-ordination with the Metropolitan Police.

6.0 CONSIDERATION OF REQUESTED ADDITIONAL INFORMATION

6.1 The applicant has provided two additional verified views of the proposed scheme. The location of these viewpoints (views 11 and 12) is shown on **figure 1**, overleaf.

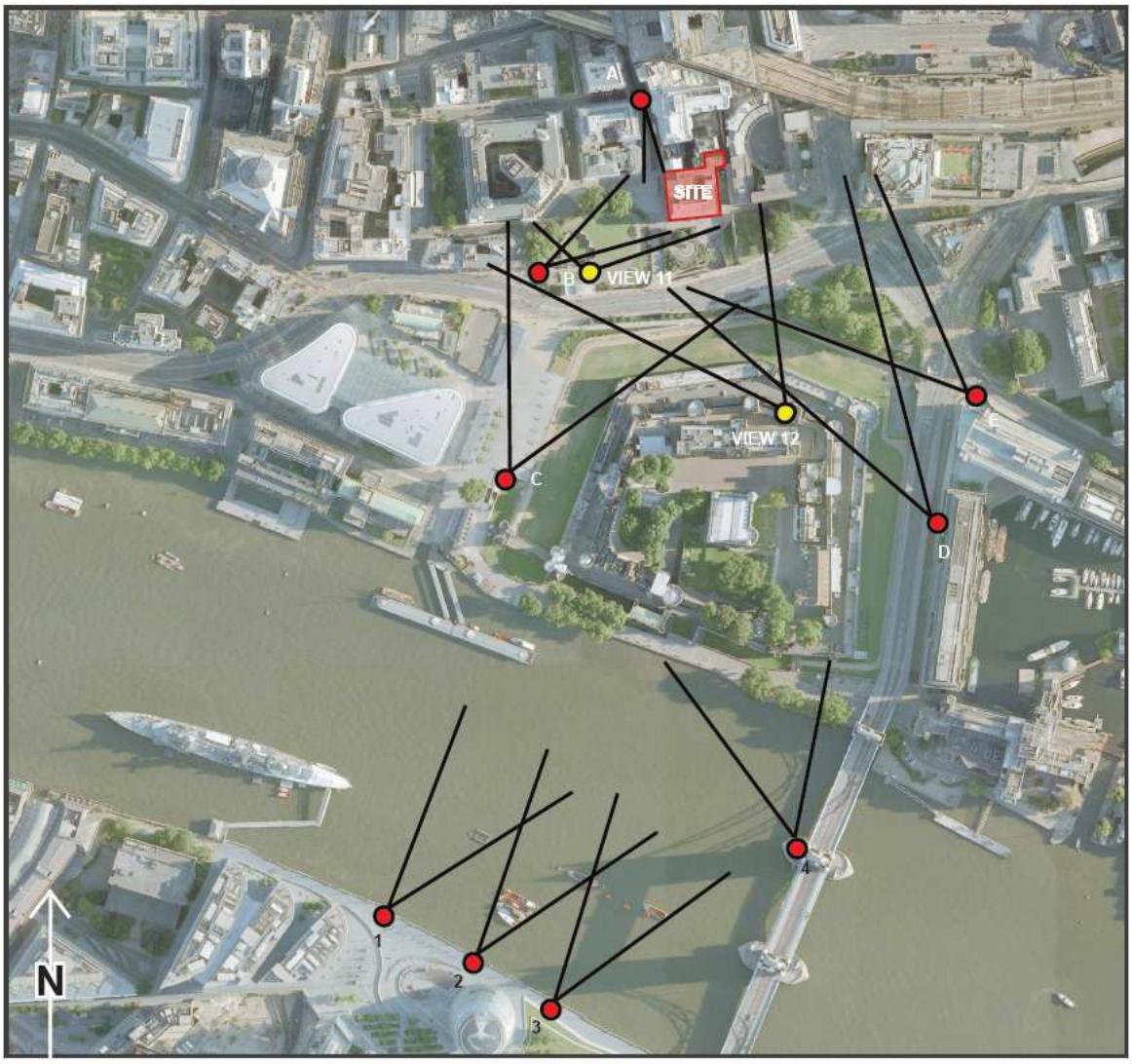

Figure 1: The location of the additional views (views 11 and 12)

6.2 For Members' information, figure 1 also shows the views of the proposal already contained within the submitted application documents. Views 1-4 are strategic views as required by the London View Management Framework (London Plan, 2010), whilst views A-E are local views. The newly presented view 11 is from within Trinity Gardens and shows the proposed building within Trinity Square. View 12 is from within the Tower of London. It is acknowledged that this viewpoint is not a typical street view, however it is useful to demonstrate how the proposed building would sit within the crescent of buildings along Trinity Square and also how it would appear within the setting of the Tower.

6.3 It is noted from the minutes of the previous Strategic Development Committee meeting that Members questioned the impact of the hotel on Trinity House. It is considered that additional views 11 and 12 (**figures 2 and 3, overleaf**) assists in demonstrating that whilst the proposed building would be inter-visible with Trinity House from a number of key locations, the height of the new building would not be overly dominant, would not be higher than other buildings directly adjacent to Trinity House, and would, in officers' opinion, by virtue of the clear silhouette, simple fenestration and detailing of the new building, form an appropriate neutral backdrop.

6.4 View 11 also demonstrates how the proposed building would relate to the two linked memorials in Trinity Square Gardens; the 1914-1918 War Memorial designed by Edwin Lutyens, and the 1939-1945 Memorial designed by Edward Maufe - with stone steps descending into a sunken garden. Both are highly important structures and

clearly require an appropriate thoughtful setting. In this regard, it is not considered that the proposal by either its proximity (approximately 74 and 59 metres respectively), design or use to be harmful to the setting of these two important Memorials. The clear silhouette of the new building, simple fenestration and detailing will form an appropriate neutral backdrop to the memorials which would preserve their setting.

Figure 2: The proposed building as viewed from Trinity Gardens, with Trinity House to its left

Figure 3: The proposed building as viewed from the Tower of London

6.5 With regard to the architecture of the proposed building, the Council's Design and Conservation Team do not consider that the proposal would appear out of keeping with the context of the area. The masonry box and fins have been evolved as part of the design, and to respect but not mimic the neo-classical style of the surrounding historic architecture. The new building's architecture is also expressed in the depth of the vertical fins and the overall Portland stone frame which innovatively prevent the glazing from appearing as the dominant feature.

6.6 In light of the above, officers remain of the opinion that the proposed building is acceptable and is considered to respect, preserve and enhance the character and setting of the Tower of London World Heritage Site, the Tower Conservation Area and surrounding conservation areas, the adjacent Listed Buildings and the adjacent Scheduled Ancient Monument. As such, the proposal is in accordance with Planning Policy Statement 5 (2010), policies 7.3, 7.8, 7.9 and 7.10 of the London Plan (2011) as well as saved policy DEV1 of the LBTH UDP (1998), policies DEV2, CON1, CON2 and CFR18 of the Interim Planning Guidance (2007) and policies SP10 and SP12 of the Core Strategy Development Plan Document (2010) which seek to protect the character, appearance and setting of heritage assets. The proposal is also in accordance with the aims and objectives of Tower of London World Heritage Site Management Plan (Historic Royal Palaces, 2007).

7.0 RECOMMENDATION

7.1 Subject to the additional condition regarding secure by design and counter terrorism measures recommended within paragraph 5.1 above, the recommendation remains unchanged. Accordingly, the Committee are recommended to resolve to GRANT planning permission as detailed within paragraph 2.1 of this report.

8.0 CONCLUSION

8.1 All other relevant policies and considerations have been taken into account. Planning permission should be approved for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS within the published committee report and update report appended to this report and the details of the decision are set out in the RECOMMENDATION contained within the previous committee report and addendum report to Members on 15th September 2011.

8.0 APPENDICIES

8.1 Appendix One - Committee Report to Members on 15h September 2011
8.2 Appendix Two – Addendum Report to Members on 15th September 2011

APPENDIX 1

Committee: Strategic Development	**Date:** 15th September 2011	**Classification:** Unrestricted	**Agenda Item No:**
Report of: Corporate Director Development & Renewal **Case Officer:** Simon Ryan		**Title:** Planning Application for Decision **Ref No:** PA/11/00163 **Ward(s):** St Katharine's and Wapping	

1. INTRODUCTION

1.1 This item previously appeared on the agenda for the Strategic Development Committee, scheduled for 4th August 2011. However, on the day of the Committee there was lack of clarity as to whether all consultees had received consultation letters. In view of this lack of clarity, officers withdrew the item from the agenda and as a consequence, the item was not considered by the Committee.

1.2 Prior to the 4th August 2011 Committee, the Council received some late representations, which have now been incorporated into this report.

2. APPLICATION DETAILS

Location: Tower House, 38-40 Trinity Square, London EC3N 4DJ

Existing Use: Vacant construction site and Tower Hill Underground station ticket hall

Proposal: Erection of a 9-storey building with basement, comprising a 370-room hotel (Use Class C1) with associated ancillary hotel facilities including cafe (Use Class A3), bar (Use Class A4) and meeting rooms (Use Class B1) with plant and storage at basement and roof level. The application also proposes the formation of a pedestrian walkway alongside the section of Roman Wall to the east of the site; the creation of a lift overrun to facilitate a lift shaft from ticket hall level to platform level within the adjacent London Underground station and associated step free access works; works of hard and soft landscaping; and other works incidental to the application

Drawing Nos:

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- Design and Access Statement
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- Townscape, Visual Impact and Built Heritage Report

Applicant: CitizenM Hotels

Owner: Various, including London Underground Ltd, TfL, Historic Royal Palaces, The Corporation of London, Tower Hill Improvement Trust, DEFRA and EDF

Historic Building: No – however the adjacent buildings at nos. 41 and 42 Trinity Square are Grade II Listed, whilst portions of the adjacent Roman Wall are

Grade I Listed and also a Scheduled Monument

Conservation Area: The Tower Conservation Area

3 SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

3.1

- A hotel-led scheme will contribute to the strategic target for new hotel accommodation. It will complement the Central Activity Zone's role as a premier visitor destination and in this respect, will support London's world city status. The scheme therefore accords with policy 4.5 of the London Plan (2011), saved policies ART1, EMP3 and CAZ1 of the Council's Unitary Development Plan (1998), policies SP06 and SP12 of the Core Strategy Local Development Framework (2010) and policies EE2 and CFR15 of the Council's Interim Planning Guidance (October 2007) which seek to promote tourism and hotel developments within the Central Activity Zone

- The ancillary cafe (Use Class A3), bar (Use Class A4) and meeting rooms (Use Class B1) are acceptable as they will provide for the needs of the development and demand from surrounding uses, and also present employment in a suitable location. As such, it is in line with saved policies DEV1 and DEV3 of the Council's Unitary Development Plan (1998), policy SP06 of the Core Strategy Local Development Framework (2010) and policies DEV1 and CFR1 of the Council's Interim Planning Guidance (October 2007) which seek to support mixed use developments and local job creation

- The height, materials, scale, bulk and design of the building is acceptable and is considered to respect, preserve and enhance the character and setting of the Tower of London World Heritage Site, the Tower Conservation Area, the adjacent Listed Buildings and the adjacent Scheduled Ancient Monument. As such, the proposal is in accordance with Planning Policy Statement 5 (2010), policies 7.3, 7.8, 7.9 and 7.10 of the London Plan (2011) as well as saved policy DEV1 of the LBTH UDP (1998), policies DEV2, CON1, CON2 and CFR18 of the Interim Planning Guidance (2007) and policies SP10 and SP12 of the Core Strategy Development Plan Document (2010) which seek to protect the character, appearance and setting of heritage assets. The proposal is also in accordance with the aims and objectives of Tower of London World Heritage Site Management Plan (Historic Royal Palaces, 2007)

- The proposal does not detrimentally impact upon protected views as detailed within the London Plan London Views Management Framework Revised Supplementary Planning Guidance (July 2010) and maintains local or long distance views in accordance policies 7.11 and 7.12 of the London Plan (2011) and policy SP10 of the Core Strategy Development Plan Document (2010) which seek to ensure large scale buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.

- The development and associated public realm are considered to be inclusive and also improves the permeability of the immediate area. As such, it complies with policies 7.2, 7.4 and 7.5 of the London Plan (2011), saved policy DEV1 of the Council's Unitary Development Plan (1998), policy SP09 of the Core Strategy (2010) and policies DEV3, DEV4, CFR1, CFR2 and CFR18 of the Council's Interim Planning Guidance (October 2007) which seek to maximise safety and security for those using the development and ensure public open spaces incorporate inclusive design principles. The scheme is also in accordance with the aims of the Tower of London World Heritage Site Management Plan (2007) which seeks to improve public realm and linkages to the Tower of London

- It is not considered that the proposal would give rise to any undue impacts in terms of privacy, overlooking, sunlight and daylight, and noise upon the surrounding residents

or occupiers. As such, the proposal is considered to satisfy the relevant criteria of saved policy DEV2 of the Council's Unitary Development Plan (1998), policy SP10 of the Core Strategy Local Development Framework (2010) and policy DEV1 of the Council's Interim Planning Guidance (October 2007), which seek to protect residential amenity.

- Transport matters, including parking, access and servicing, are acceptable and in line with London Plan policies 6.4, 6.7, 6.9, 6.10, 6.11, 6.12 and 6.13 of the London Plan (2011), saved policies T16 and T19 of the Council's Unitary Development Plan (1998), policy SP09 of the Core Strategy Local Development Framework (2010) and policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007), which seek to ensure developments minimise parking and promote sustainable transport options.

- Sustainability matters, including energy, are acceptable and in line with policies 5.1 – 5.3 of the London Plan (2011), policy SP11 of the Core Strategy Local Development Framework (2010) and policies DEV5 to DEV9 of the Council's Interim Planning Guidance (October 2007), which seek to promote sustainable, low carbon development practices.

- Financial contributions have been secured towards the provision of transport and highways improvements; employment & training initiatives; and leisure and tourism promotion in line with Government Circular 05/05, the Community Infrastructure Levy Regulations 2010, saved policy DEV4 of the Council's Unitary Development Plan (1998) and policy SP13 of the Core Strategy (2010) which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

4 RECOMMENDATION

4.1 That the Committee resolve to **GRANT** planning permission subject to:

A. The prior completion of a **legal agreement** to secure the following planning obligations:

Financial Contributions

a) Highways & Transportation: **£103,000**, comprising:
   - £3,000 towards monitoring the Travel Plan
   - £50,000 towards the Legible London wayfinding scheme
   - £50,000 towards the Cycle Hire Scheme

b) Employment & Enterprise: **£105,642** towards the training and development of unemployed residents in Tower Hamlets to access either:
   - Jobs within the hotel developmental end-use phase;
   - Jobs during the construction phase of the development;
   - Jobs or training within Hospitality, Leisure, Travel & Tourism employment sectors.

c) Leisure & Tourism promotion: **£54,500**; comprising:
   - £26,500 towards developing a destination map of the Borough for visitors
   - £28,000 towards business tourism promotion and implementing a programme with Visit London to promote Tower Hamlets as a business tourism destination in the UK, European and International Meeting, Incentive, Conference and Exhibition Market

Non-Financial Contributions

d) Delivery of public realm improvements and step-free access works;
e) No coach parking or drop-offs / pick-ups from Trinity Square or Coopers Row;
f) Code of Construction Practice - To mitigate against environmental impacts of construction;
g) Reasonable endeavours for 20% goods/services to be procured during the construction phase should be achieved by businesses in Tower Hamlets;
h) Reasonable endeavours for 20% of the construction phase workforce will be local residents of Tower Hamlets;
i) The equivalent of 20% of the workforce or 59 people residing in Tower Hamlets are given HLTT (Hospitality, Leisure, Travel & Tourism) sector related training;
j) Access to Employment - To promote employment of local people during and post construction, including an employment and training strategy;
k) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

Total financial contribution: **£263,142**

4.2 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above.

4.3 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

Conditions

1) Permission valid for 3 years;
2) Submission of details and samples of all materials;
3) Submission of hard and soft landscaping details;
4) Submission of details of highways works;
5) Contamination;
6) Construction Management and Logistics Plan;
7) Construction Environmental Management Plan;
8) Foul and surface water drainage;
9) Monitoring and protection of ground water;
10) Archaeology;
11) Air quality assessment;
12) Evacuation plan;
13) Scheme of necessary highways improvements to be agreed (s278 agreement);
14) Piling and foundations;
15) Landscape management;
16) Ventilation and extraction;
17) Refuse and recycling;
18) Travel Plan;
19) Coach, Delivery and Service Management Plan;
20) 5% Accessible hotel rooms and 5% future proofed;
21) Access management plan;
22) Pedestrian audit;
23) BREEAM;
24) Means of access and egress for people with disabilities;
25) Hours of building works;
26) Hours of opening of terrace;
27) Hammer driven piling;
28) Noise levels and insulation;
29) Vibration;
30) Compliance with the submitted Energy Strategy;
31) Integration of Combined Heat and Power;
32) Hotel Use Only;

33) Secure by design statement;
34) Period of hotel suite occupation no longer than 90 consecutive days;
35) Approved plans; and
36) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

4.4 **Informatives**

1) Section 106 agreement required;
2) Section 278 & 72 Highways agreements required;
3) Contact Thames Water regarding installation of a non-return valve, petrol/oil-interceptors, water efficiency measures and storm flows;
4) Changes to the current licensing exemption on dewatering;
5) Contact LBTH Environmental Health;
6) Contact Environment Agency;
7) Section 61 Agreement (Control of Pollution Act 1974) required;
8) Closure of road network during Olympic and Paralympic Games
9) Contact London Fire & Emergency Planning Authority; and
10) Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

4.5 That, if by 1st November 2011, the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

5 PROPOSAL AND LOCATION DETAILS

Proposal

5.1 The application proposes the erection of a 9-storey building with basement, comprising a 370-room hotel with associated ancillary hotel facilities including café and bar at ground floor level bedrooms and meeting rooms at upper floor levels. Plant and storage facilities are contained at basement and roof level.

5.2 The application also proposes associated site-wide hard landscaping and highways works, together with step-free access works within the vicinity of the application site and Tower Hill Underground Station. The hotel is proposed to be serviced on-street from Trinity Square.

5.3 The proposal incorporates the retention of the existing Tower Hill Station ticket hall and proposes the introduction of step free access within the station to the platforms, as well as improvements to the street level ticket hall such as new signage, lighting, public art and an external canopy.

Site and Surroundings

5.5 The site, which measures 0.19ha in area, is located within the westernmost area of the Borough, close to the boundary with the City of London. The site is presently occupied by a single storey ticket hall for the Tower Hill London Underground Station, following the demolition of buildings which previously sat above and around the ticket hall, namely two brick buildings and a 6 storey post-war office block. These were demolished following the granting of Conservation Area Consent in 2005, as detailed below.

5.6 The site lies approximately 75m north of the outer wall of the Tower of London and is part of a group of buildings which form a backdrop to the Tower. The site is located upon a prominent corner and is bounded by a pedestrian route, Trinity Place, to the south; Trinity Square (the street around Trinity Square Gardens) to the west; the listed terraced buildings at nos. 41 and 42 Trinity Square directly to the north; and a brick building containing an electricity substation, which has its main frontage to The Crescent, to the east. The site is

currently occupied by the single storey ticket hall of the London Underground Tower Hill Station and a hoarded, vacant construction site beyond, following the demolition of the office building which previously occupied the site.

5.7 Whilst the land use in the surrounding area is predominantly commercial or civic, the built form within the area varies in height, scale, materials and age. Immediately adjacent to the site are nos. 41 and 42 Trinity Square, a pair of Grade II listed terraced properties of 5 and 4 storeys in height respectively. The scale of buildings further to the north along Coopers Row increases substantially; the Grange Hotel, built between 1961 and 1963 rises to 12 storeys in height, and beyond is situated No.1 America Square, completed in 1991, which is built over the railway line into Fenchurch Street station and is 15 storeys high. Immediately to the east of the site is a brick built electricity substation, beyond which lies the 5 storey London Guildhall University building, with frontages to Trinity Place and the Minories. The back of the building encloses the Crescent which comprises a terrace of properties in predominantly commercial use.

5.7 Within Trinity Square, the buildings around the square are largely built of Portland Stone, are broadly neo-classical in style and are mostly 5-7 storeys in height, with the exception of the Port of London Authority Building which is significantly taller. Most of the buildings date from the early 20th Century with the exception of Trinity House which dates from the late 18th Century. The statutory status of the various heritage assets within the area are detailed below.

5.8 The site is separated from the Tower of London by the busy Tower Hill road and the public realm immediately to the south of the site. The public realm is set over a number of levels to accommodate the pedestrian underpass to the Tower of London, the Tower Hill Underground Station entrance and Wakefield Gardens – an area of soft landscaping and a raised platform which offers direct views of The Tower.

5.9 In terms of built heritage, the application site is located within the Tower Conservation Area and is approximately 65 metres to the north of the Tower of London World Heritage Site. The site is also within close proximity of the Crescent Conservation Area, the Lloyd's Avenue Conservation Area and the Fenchurch Street Conservation Area, all of which are located within the City of London. There are a number of listed buildings within the wider vicinity, including:

- The Grade II listed nos. 41 and 42 Trinity Square immediately adjacent to the north;
- Portions of the adjacent Grade I Listed Roman London Wall (also a Scheduled Monument);
- The Grade II Listed Port of London Authority building at 10 Trinity Square;
- The Grade I Listed Trinity House within Trinity Square;
- The Grade II Listed railings to Trinity Square
- The Grade I Listed Church of All Hallows;
- The Grade II* Listed Merchant Seamen's Memorial in Trinity Gardens;
- The Grade II Mercantile War Memorial in Trinity Gardens; and
- The Tower of London, which is Grade I Listed, a World Heritage Site and a Scheduled Monument

5.10 The adjacent open space of Trinity Square Gardens is also a protected London Square. The proposed building is located within Townscape View 25A.1 – 3 (The Queen's Walk to Tower of London) of the London View Management Framework SPG (2010), and also falls within River Prospect 10A.1 (Tower Bridge) as defined by the LVMF SPG.

5.11 In terms of the Development Plan context, the site is located within the Central Activities Zone (CAZ). The site is also designated as a development site (reference CF33) within the Interim Planning Guidance City Fringe Area Action Plan (2007), which cites employment (B1), retail (A1-A4) and public open space as the preferred uses.

5.12 The site has an excellent level of accessibility to public transport, with a Public Transport Access Level of 6b ('Excellent') where 1 represents the lowest and 6b the highest. As detailed above, the site is located immediately adjacent to and above Tower Hill Underground station, which is served by the District and Circle Lines, with Tower Gateway DLR station approximately 100 metres to the east and Fenchurch Street mainline station 140 metres to the north of the site. Numerous bus routes also serve a number of surrounding streets, including routes 15, 25, 42, 78, 100 and RV1, whilst river taxi services also call at the nearby St Katharine's Pier and Tower Millennium Pier.

Relevant Planning History

5.13 The following planning decisions are relevant to the application:

PA/02/01400 Planning permission was granted on 25th April 2005 for the redevelopment to provide offices, accommodation for London Underground, tourist information/retail kiosk together with associated car parking, servicing and plant in a seven storey building plus basement and plant room and creation of a pedestrian passageway alongside the west side of the section of Roman wall abutting the east side of the existing building. This permission has been implemented by way of demolition of the existing buildings and installation of services to the site. Pre-commencement conditions have also been discharged

PA/02/01401 Conservation Area Consent was granted on 25th April 2005 for the demolition of buildings on site. This consent has been implemented following the demolition of all buildings in 2009

PA/07/00266 Permission was granted on 20th April 2007 to allow the variation of condition 2 of planning permission reference PA/02/1400 to allow internal and external alterations. These included the removal of basement car parking and the replacement with plant, internal layout rearrangements, removal of plant from roof and replacement with office accommodation and replacement of louvered walls with glazing

PA/08/00593 Permission was granted on 11th June 2008 to allow the variation of condition 2 of planning permission reference PA/02/1400 to allow further internal and external alterations, the most significant being the replacement of the roof terrace with office accommodation and the 7th floor being moved southwards by 4.5m to the rear of the pergola supports

PA/10/01735 An application was received in August 2010 for the following: Erection of a 9-storey building with basement, comprising a 370-room hotel (Use Class C1) with associated ancillary hotel facilities including café (Use Class A3), bar (Use Class A4) and meeting rooms (Use Class B1) with plant and storage at basement and roof level. The application also proposes the formation of a pedestrian passageway alongside the section of Roman wall to the east of the site together with associated site-wide hard and soft landscaping. The application was withdrawn by the applicant on 10th November 2010.

6. POLICY FRAMEWORK

6.1 For details of the status of relevant policies see the front sheet for "Planning Applications for Determination" agenda items. The following policies are relevant to the application:

Unitary Development Plan 1998 (as saved September 2007)

6.2 Proposals: Central Activities Zone
Area of Archaeological Importance or Potential

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use development
	DEV4	Planning Obligations
	DEV12	Provision of Landscaping in Development
	DEV50	Noise
	DEV51	Contaminated Land
	DEV55	Development and Waste Disposal
	DEV69	Water Resources
	EMP1	Encouraging New Employment Uses
	EMP6	Employing Local People
	CAZ1	Location of Central London Core Activities
	T16	Impact of Traffic
	T18	Pedestrian Safety and Convenience
	T21	Existing Pedestrians Routes
	S7	Restaurants
	ART7	Hotel Developments

Interim Planning Guidance for the purposes of Development Control

6.3	Proposals:	CF33	Employment (B1), retail (A1, A2, A3 and A4) and public open space Central Activities Zone Archaeological Priority Area
	Policies:	DEV1	Amenity
		DEV2	Character & Design
		DEV3	Accessibility & Inclusive Design
		DEV4	Safety & Security
		DEV5	Sustainable Design
		DEV6	Energy Efficiency & Renewable Energy
		DEV7	Water Quality and Conservation
		DEV8	Sustainable Drainage
		DEV9	Sustainable Construction Materials
		DEV10	Disturbance from Noise Pollution
		DEV11	Air Quality
		DEV12	Management of Demolition and Construction
		DEV13	Landscaping
		DEV15	Waste and Recyclables Storage
		DEV16	Walking and Cycling Routes and Facilities
		DEV17	Transport Assessments
		DEV18	Travel Plans
		DEV19	Parking for Motor Vehicles
		DEV20	Capacity of Utility Infrastructure
		DEV22	Contaminated Land
		DEV27	Tall Buildings
		EE2	Redevelopment / Change of Use of Employment Sites
		RT5	Evening and Night-time Economy
		CON1	Listed Buildings
		CON2	Conservation Areas
		CON3	Protection of London Squares
		CON4	Archaeology and Ancient Monuments
		CON5	Protection and Management of Important Views
		CFR1	City Fringe spatial strategy
		CFR2	Transport and movement
		CFR6	Infrastructure and services
		CFR7	Infrastructure capacity

CFR8	Waste
CFR15	Employment uses in St Katharine's sub-area
CFR17	Retail, evening and night-time economy in St Katharine's sub-area
CFR18	Design and built form in St Katharine's sub-area
CFR19	Local connectivity in St Katharine's sub-area

Supplementary Planning Guidance/Documents

6.4

- Designing Out Crime
- Landscape Requirements

Local Development Framework Core Strategy (2010)

6.5

SO1 – SO25	Strategic Objectives for Tower Hamlets
SP01	Refocusing on our town centres
SP02	Urban living for everyone
SP03	Creating healthy and liveable neighbourhoods
SP04	Creating a green and blue grid
SP05	Dealing with waste
SP06	Delivering successful employment hubs
SP07	Improving education and skills
SP08	Making connected places
SP09	Creating attractive and safe streets and spaces
SP10	Creating distinct and durable places
SP11	Working towards a zero-carbon borough
SP12	Delivering placemaking – Priorities and Principles – Tower of London
SP13	Planning Obligations

New London Plan 2011

6.6

Policy	Title
2.9	Inner London
2.10	Central Activities Zone – Strategic Priorities
2.11	Central Activities Zone – Strategic Functions
2.12	Central Activities Zone – Predominantly Local Activities
4.1	Developing London's economy
4.3	Mixed use development and offices
4.5	London's visitor attractions
4.10	New and emerging economic sectors
4.11	Encouraging a connected economy
4.12	Improved opportunities for all
5.1	Climate Change Mitigation
5.2	Minimising carbon dioxide emissions
5.3	Sustainable design and construction
5.5	Decentralised energy networks
5.6	Decentralised energy in development proposals
5.7	Renewable energy
5.8	Innovative energy technologies
5.13	Sustainable drainage
5.18	Water use and supplies
5.21	Contaminated land
6.4	Enhancing London's transport connectivity
6.5	Crossrail
6.7	Better streets and surface transport
6.8	Coaches

6.9	Cycling
6.10	Walking
6.11	Smoothing traffic flow and tackling congestion
6.12	Road network capacity
6.13	Parking
7.2	An inclusive environment
7.3	Designing out crime
7.4	Local character
7.5	Public realm
7.6	Architecture
7.8	Heritage Assets and Archaeology
7.10	World Heritage Sites
7.11	London View management Framework
7.12	Implementing the LVMF
8.2	Planning obligations

London Plan – Relevant Supplementary Planning Guidance

6.7
- Accessible London: Achieving an Inclusive Environment (April 2004)
- Sustainable Design and Construction (May 2006)
- London View Management Framework (July 2010)

Government Planning Policy Guidance/Statements

6.8

PPS1	Delivering Sustainable Development
	Planning and Climate Change – Supplement to PPS1
PPS4	Planning for Sustainable Economic Growth
PPS5	Planning for the Historic Environment
PPS9	Biodiversity & Conservation
PPG13	Transport
PPG24	Planning and Noise
PPS22	Renewable Energy

Other Relevant Guidance

6.9

Royal	Tower of London World Heritage Site Management Plan (Historic Palaces, 2007)
	Tower of London World Heritage Site Local Setting Study (WHS, November 2010)

Community Plan

6.10 The following Community Plan objectives relate to the application:

A better place for living safely
A better place for creating and sharing prosperity
A better place for excellent public services

7. CONSULTATION RESPONSE

7.1 The views of officers within the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

7.2 The following were consulted regarding the application:

LBTH Accessibility Officer

7.3 No objections, subject to conditions requiring 5% of hotel rooms to be fully accessible with hoist and 5% readily convertible. Also a condition requiring the step free access works to be in place prior to commencement of use

(OFFICER COMMENT: Conditions have been attached to this effect, whilst the delivery of the step free access works is secured within the associated s106 Agreement)

LBTH Communities, Localities and Culture

7.4 No objections. In light of the emerging Planning Obligations SPD which was approved for consultation purposes by Cabinet on 6 July. This draft sets out a formula and threshold for contribution requirements towards Public Realm improvements based on the size of the hotel and likely employment figures. Accordingly, based on 100 employees and 740 hotel occupants, a contribution of £607,752 is requested

(OFFICER COMMENT: This contribution request is not considered to be compliant with the relevant regulations and has not therefore been requested. This is discussed later in the report)

LBTH Crime Prevention Officer

7.5 This is a straight forward site as the building does not have any recessed entrances at the front or the rear. Also, hotels are usually well managed. Possibly have some concerns over the rear exit.

(OFFICER COMMENT: This matter is discussed further within the design section of the material planning considerations, below)

LBTH Enterprise & Employment

7.6 The Enterprise and Employment team have raised no objections to the proposal and have requested the following be secured:

- Proposed employment/enterprise contributions at construction phase:
    - 20% of goods/services procured during construction should be achieved by businesses in Tower Hamlets;
    - Best endeavours from the developer to ensure 20% of the construction workforce are Tower Hamlets residents, supported by Skillsmatch Construction Services. Where this is not appropriate, the Council will seek a financial contribution of £30,533 to support/provide for training/skills needs of local residents in accessing new job opportunities in the construction phase of new developments
- Proposed employment/enterprise contributions and end user phase:
    - A contribution of £39,709 towards the training and development of unemployed residents in Tower Hamlets to access either jobs within the hotel development end user phase or jobs or training within employment sectors in the final development
    - Of the final development workforce, the equivalent of 20% residing in Tower Hamlets be given sector related training, namely the Employment First Training Programme, delivered by SEETEC
    - If the developer is unable to deliver the aforementioned training, a monetary contribution of £35,400 is required for the delivery of the training to local residents

(OFFICER COMMENT: The applicant has agreed to the above contribution and obligations, as detailed within the s106 Heads of Terms in paragraph 4.1. The method of calculating the financial contribution is detailed within section 9 of this report)

LBTH Environmental Health

7.7 Environmental Health (Air Quality)
No objections, subject to the imposition of a Construction Environment Management Plan.

Environmental Health (Commercial Health & Safety)
No objections

Environmental Health (Contaminated Land)
No objections subject to the attachment of an appropriate condition requiring any contaminated land to be properly treated and made safe before development commences

Environmental Health (Food Safety)
No objections subject to the attachment of an appropriate informative regarding food safety

Environmental Health (Noise & Vibration)
No objection subject to the imposition of a condition requiring the approval of a Construction Management Plan and conditions to limit noise associated with plant and machinery.

Environmental Health (Smell/Pollution)
Details of any extraction, ventilation and filtration systems to be installed should be submitted for approval

(OFFICER COMMENT: The requested conditions and informatives have been attached to the draft decision notice, as detailed above at paragraph 4.3)

LBTH Highways

7.8 Parking
The proposed development is entirely car-free and given that the site has a Public Transport Access Level (PTAL) of 6b (where 1 = poor and 6b = excellent), this is considered to be acceptable

Coach Parking
Since the previously withdrawn planning application [ref. PA/10/01735], the applicant has provided further details and has demonstrated that large luxury coaches are able to safely access Trinity Square from the north via Cooper's Row. Subject to the City of London confirming that access to the site from the north is acceptable (as Cooper's Row falls within their adopted highway network), LBTH Highways have no objections to coaches accessing the site from Cooper's Row and egressing from Trinity Square onto Tower Hill/Byward Street.

Notwithstanding the above, it is considered preferable for coach parking to be accommodated at the nearby purpose-built Coach Park located on Lower Thames Street. Accordingly, in order to restrict the potential for coaches to visit the site, should planning permission be granted, a condition or s106 obligation should be secured which prevents the proposed hotel from accepting bookings from tour operators, travel agents or other persons that may result in users of the development being transported to and from the site in coaches which set down and pick up/drop off passengers at the site. This would minimise the likelihood of coaches arriving at the hotel.

Cycle Parking
A total of 35 Sheffield-style cycle stands are proposed to be provided within the development

at basement level. This meets the minimum cycle parking requirements as defined within the Interim Planning Guidance (2007) and is therefore acceptable.

Trip Generation
The Trip Generation section of the submitted Transport Assessment demonstrates that the proposed development will result in a decrease in the number of person trips over the extant B1 use for which Planning Permission has previously been granted. The methodology used and the trips forecast (including the use of surveys undertaken for the Britannia Hotel, Marsh Wall) are considered to be suitable/representative of a hotel use. As such, no objections are raised.

Servicing Arrangements
Whilst on-site servicing would normally be preferred by Highways, the applicant has provided further information including additional pedestrian surveys and a FRUIN assessment to justify the pursuance of on-street servicing. As a result, LBTH Highways consider that sufficient justification has been made and the applicant has adequately demonstrated that on-street servicing would have no undue impacts. Accordingly no objections are raised, subject to a condition being attached which prevents servicing from taking place between 0700 -1000 hours and 1600 -1900 hours inclusive. This would ensure that servicing activities do not occur during peak hours. The submitted Servicing and Coach Management Plan is to be updated prior to occupation and secured via S106/planning condition should planning permission be granted.

Widening of Pavement in Trinity Square
Highways welcome the proposed works to widen the pavement immediately to the west of the hotel. This would be secured at the applicant's expense via a S.278 agreement, along with the works to realign the pavement/kerb line along the southern edge of Trinity Square.

Oversailing of Canopy
A Projection Licence would be required for the proposed canopy, A Projection Licence would be required for the proposed canopy, however the Applicant should be informed that the Highways Department do not wish to issue the technical approvals and licence required in order to make the proposed canopy legal and therefore the Applicant is advised to remove the canopy from their proposals. (OFFICER COMMENT: There are no policies within the development plan which could support a refusal of the scheme based on the canopy. Furthermore, it is considered that the canopy is a positive feature in terms of design, subject to details of materials)

S106 Contributions
Highways fully support the contribution requests from TfL towards the Legible London wayfinding scheme and also the Cycle Hire scheme. A £3,000 contribution for the monitoring of the Travel Plan should also be secured.

Conditions
Should planning permission be granted, conditions would be required to secure the following:

1. Submission of details of necessary highways works
2. Submission of Travel Plan
3. Submission of details of canopy
4. Submission of details of basement
5. Hours of servicing
6. Servicing and Coach Management Plan to be updated prior to occupation of the site
7. Construction Management Plan to be submitted and approved
8. All private forecourt/areas to be drained within the site and not into public highway

(OFFICER COMMENT: The requested contributions and conditions have been secured within the s106 and attached to the decision notice respectively, as detailed within section 4

of this report. Highways and transportation matters are discussed in greater detail within section 9 of this report)

LBTH Investment & Business

7.9 No objections, subject to securing the following contributions:

- Business tourism promotion: £28,000 towards implementing a programme with Visit London to promote Tower Hamlets as a business tourism destination in the UK, European and International Meeting, Incentive, Conference and Exhibition Market; and
- £26,500 towards developing a destination map of the Borough for visitors

(OFFICER COMMENT: The requested contributions have been agreed with the applicant, as detailed within the s106 Heads of Terms in paragraph 4.1. The s106 contributions are discussed in greater detail below within section 9 of the report)

LBTH Sustainable Development

7.9 Energy

No objections – the applicant has followed the energy hierarchy as set in the London Plan. The proposed overall 56.7% reduction in carbon emissions through energy efficiency measures and a combined heat and power system is considered acceptable and should be secured by condition.

Sustainability

No objections - the applicant has submitted a Sustainability Statement which commits the development to achieve a BREEAM (Building Research Establishment Environmental Assessment Method for buildings) rating of 'Excellent' as minimum with an aspiration to achieve 'Outstanding'. Conditions should be attached to secure this.

(OFFICER COMMENT: Conditions have been attached as requested. Energy and sustainability measures are discussed in further detail within section 9 of this report)

LBTH Waste Policy & Development

7.10 No comments received.

Ancient Monuments Society (statutory consultee)

7.11 No comments received.

City of London Corporation (statutory consultee)

7.12

- The proposal appears to be at odds with the advice contained within the draft Tower of London Local Setting Study, which commented that the [previously approved] 8-storey office building would have an extensively glazed façade, increasing the sense of commercial architecture facing the Tower
- Advise LBTH to consider whether the proposed development, because of it's predominantly glazed design would detract from the setting of the Tower of London World Heritage Site
- The City's policy for developments of this nature is to request that all servicing is carried out within the premises and not on public highway, however, it is acknowledged that additional analysis and assessment has been undertaken to demonstrate that the impact of the proposal is likely to be minimal.
- Should planning permission be granted for this development, the City would expect that all servicing is carried out between the hours of 1000 and 1600 hours, which fall outside of peak pedestrian footfall

- The widening of the footway concourse onto Trinity Square, outside Tower Hill Station exit, fronting the development is welcomed
- The public realm proposals and step free access works around the site are welcomed

(OFFICER COMMENT: Officers do not consider that the proposed design is detrimental to the setting of Tower of London World Heritage site, as discussed within section 9 of the report below. With regard to servicing, Officers consider that sufficient justification has been made and the applicant has adequately demonstrated that on-street servicing would have no undue impacts. The requested condition restricting servicing times has been attached accordingly).

English Heritage (statutory consultee)

7.13 Ancient Monuments
The applicant will be required to submit an application for Scheduled Monument Consent for works to and within close proximity of the adjacent Roman Wall before development can begin (OFFICER COMMENT: A condition has been attached to this effect)

Archaeology
A condition is requested requiring the submission and implementation of a programme of archaeological work (OFFICER COMMENT: A condition has been attached to this effect)

Historic Buildings and Areas
The proposed development is located on a prominent site within the defined local setting of the Tower of London World Heritage Site. A development of the scale proposed would be visible in many key views of the Tower of London.

The site is also located within the Tower Conservation Area and was previously occupied by an undistinguished post war building which detracted from a rich and varied group of historic buildings. The group includes remains of the Roman Wall (Scheduled Monument and listed at Grade I), Trinity House (listed at Grade I), the Port of London Authority Building (listed at Grade II*), the Mercantile Marine Memorial (listed at Grade II), and nos. 41 and 42 Trinity Square (listed at Grade II). The structure of the Exit Hall of the Tower Hill underground Station has been retained and the proposed structure would continue to accommodate this important facility.

The detailed design of the principal facades has evolved over a prolonged period involving much discussion; the external massing reflects an extant permission on the site.

We feel that the texture of the main body of the facade, as now proposed, would relate well, to the surrounding richly varied architectural context. We welcome the changes since the previous (withdrawn) submission relating to the use of Portland stone on the principal facades. We have consistently commented on the importance of ensuring that the upper floors have a recessive quality in key views including LVMF View 25A.1 and LVMF 25A2 and we note the confirmation that the glazing of the top two floors would be of a low-reflectivity type.

It is essential that the proposal is fully assessed in terms of its impact on the Outstanding Universal Value of the Tower of London World Heritage Site. Should your Council be minded to approve the scheme, we would advise that suitably robust conditions are attached to any permission to ensure that the necessary quality is fully achieved in terms of materials and architectural details.

Accordingly, English Heritage recommends that the application should be determined in accordance with national and local policy guidance, and on the basis of your [LBTH] specialist conservation advice.

Environment Agency (statutory consultee)

7.14 No objections.

Historic Royal Palaces (statutory consultee)

7.15
- Historic Royal Palaces welcomes the change of use of the proposed development on this site from offices to an hotel, with street level facilities that will help to animate the frontages behind the underground station and improve facilities for visitors to the area
- The design represents a significant improvement upon the office scheme previously approved
- The proposal would be more comfortable in the setting of the World Heritage Site (and particularly in views from Tower Hill) if it were a storey lower; but on balance the resubmitted proposal offers benefits for the area in terms of use
- Achieving step free access is admirable and the public realm works are acceptable
- The omission of the extension of the walkway alongside the Roman Wall is regrettable, however the land ownership reasons are understood and it is noted that the walkway could be completed in the future

(OFFICER COMMENT: With regard to the point concerning the walkway alongside the Roman Wall, the originally submitted drawings proposed a walkway beside the full length of the adjacent Roman Wall, linking the Tower Hill Underground station area to the Crescent to the north. However, due to land ownership issues, this has been revised to provide a walkway within the application site area only)

London Borough of Southwark (statutory consultee)

7.16 No comments received to date. Any comments will be provided by way of update report.

London Fire and Emergency Planning Authority (LFEPA) (statutory consultee)

7.17 No objections.

London Underground (statutory consultee)

7.18 No objections subject to the imposition of a condition requiring the submission and agreement of detailed design and method statements for all foundations, basement and ground floor structures as well as piling. London Underground state that the proposed construction of two lift shafts, one serving each platform, together with the associated step free ramps within the public realm, presents a real opportunity to upgrade the station and achieve a complete step free solution at this strategically important station for both tourist and business travellers.

(OFFICER COMMENT: The requested condition has been attached as detailed within section 4 of this report)

Transport for London (TfL) (statutory consultee)

7.19 No objections in principle to the proposal. TfL make the following comments:

- TfL are supportive of the decision to use Portland Stone to clad the lift overrun and staircase which emerge from the Underground ticket hall (OFFICER COMMENT: the lift overrun has since been amended to a glazed finish);
- TfL would like to be notified of any alterations to the façade of the ticket hall, along with the detailed design of the canopy; (OFFICER COMMENT: A condition has been attached to this effect)

- A contribution of £50,000 towards the Legible London wayfinding signage scheme in the area is requested; (OFFICER COMMENT: The applicant has agreed to this contribution request)
- A contribution of £50,000 towards improvements to the Cycle Hire scheme in the area, to be used to introduce new docking stations or enhance existing facilities is requested; (OFFICER COMMENT: The applicant has agreed to this contribution request)
- Confirmation of coach drop off/set down arrangements is required – TfL remain concerned that this may impact upon the interchange movements between Tower Hill and Fenchurch Street mainline station. Thought should be given to enforcement measures to prevent coach operators from parking coaches in this area and also whether drop offs and set downs could take place during off-peak periods; (OFFICER COMMENT: The applicant has agreed to an obligation within the s106 legal agreement which prevents the applicant from accepting any bookings that may result in users of the development being transported to and from the site in coaches which set down, park or pick up passengers within the immediate vicinity of the site. A condition has also been attached which requires the submission of a Delivery and Servicing Management Plan, as well as a condition which only allows servicing during the off-peak periods identified within the submitted pedestrian and vehicle movement periods. Officers consider that such measures would significantly reduce the likelihood of coaches arriving at the hotel. This is further discussed within section 9 of this report, below)
- A contribution of £30,000 for accessibility to the north eastern end of Tower Bridge is requested (OFFICER COMMENT: Officers do not consider that such works are necessary to mitigate the impact of the proposal and accordingly the request does not meet the necessary statutory tests for s106 contributions. As such, this contribution has not been sought)
- A Travel Plan should be submitted and agreed; (OFFICER COMMENT: A condition has been attached to this effect)
- A Delivery and Service Plan and a Construction Logistics Plan should be submitted and agreed (OFFICER COMMENT: Conditions have been attached to this effect)
- Should planning permission be granted, an informative should be added regarding the closure of certain roads during the Olympic and Paralympic Games 2012 which may affect construction (OFFICER COMMENT: An informative has been attached to this effect)

Design Council / Commission for Architecture and the Built Environment (CABE)

7.20 CABE commented that they did not have the resources to review the scheme.

EDF Energy Networks

7.21 No comments received.

HM Tower of London

7.22 See Historic Royal Palaces' comments

London Wildlife Trust

7.23 No comments received.

Tower Hill Improvement Trust

7.24 No comments received.

Thames Water

7.25 No objections subject to conditions relating to the provision of appropriate surface water

drainage, the submission and agreement of an impact piling method statement and the submission of an impact statement upon the existing water supply

(OFFICER COMMENT: Conditions have been attached as requested)

8. LOCAL REPRESENTATION

8.1 A total of 291 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 14 Objecting: 6 Supporting: 7 Neither: 1
No of petitions received: None received

8.2 The following local groups/societies made representations:

- Trinity Square Group, in objection.

7.3 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

In Objection

Design & Conservation

- The proposed building dominates over and detracts from the adjacent and nearby listed buildings by reason of its height, bulk, scale and massing
- The proposal causes harm to the Tower Conservation Area and the setting of the nearby World Heritage site
- The proposed building detriments views of the Tower of London from the north along Cooper's Row
- A lower, smaller building would better integrate into the surroundings
- The design is out of context when considered within Trinity Square
- The development plan and other policies and guidance call for development of the highest quality as the site is recognised to be a site of extreme sensitivity in an outstandingly important conservation area of national and international importance and within the setting of the Tower of London WHS of universal significance and importance

Land Use

- The area is already very well served with hotels
- A hotel would be a more intensive use of the site than an office

Highways & Transportation

- The proposed servicing arrangements would cause conflict with other road users and in particular the numerous pedestrians who use the area
- Policy is to reduce pedestrian/vehicular conflict, not increase it
- The development is contrary to the Tower Hill Gateway Interchange Report (THGI) (2009) produced by Alan Baxter Associates, as it will introduce additional vehicle and pedestrian conflict in Trinity Square, plus the submitted pedestrian surveys differ from those contained within the THGI report (OFFICER COMMENT: LBTH Highways do not consider that the THGI report carries weight as it has not been used to inform or develop any LBTH policies, documents or studies, nor has it been adopted as an SPD by TfL or

any other authorities. Nevertheless, with regard to the disparities between the submitted pedestrian flows and those identified in the THGI report, LBTH Highways do not consider it appropriate to compare pedestrian flows representative of an hour with those of a three hour period, respectively)
- Policy recognises that there is a need for improvement of the ability for pedestrians, in particular commuters and tourists, to use the immediately adjoining public highways within a safe and acceptable environment. The proposed development would worsen the situation

Amenity

- The proposal would result in the loss of light to the western elevation of 6 & 7 The Crescent and it should be stepped down in height accordingly
- Noise disturbance and noise mitigation measures are required to prevent disturbance to nearby occupiers from the proposed bar/restaurant and also any roof mounted plant
- The proposal could generate litter and loitering near nearby office buildings
- Security concerns regarding the opening up of the walkway adjacent to the Roman Wall

(OFFICER COMMENT: These Issues are addressed in Section 9 of this report.

<u>In Support</u>

Employment

- The proposal would create employment opportunities
- The erection of a hotel would provide employment both directly and indirectly to surrounding restaurants, cafes, licensed premises and shops

Design & Conservation

- The proposal would reveal the hidden Roman Wall
- The upgrade to the façade of the Tower Hill ticket hall would improve the aesthetic of the area
- The proposal would improve local amenities around the tube station
- The proposal would return Tower Hill to being an active landmark rather than a construction site
- The proposed building would blend in with the scale and height of buildings fronting Trinity Square and would soften the stark façade of the Grange Hotel side elevation

Step Free Access Works

- The step free access works to Tower Hill Station are welcomed
- The proposed widening of the concourse area outside the egress of the underground station upper level and the inclusion of a lift are positive
- The step free access works would not only benefit those with impaired mobility, but also tourists and travellers with suitcases, parents with pushchairs and the general flow of commuters in the area

Land Use

- There is a shortage of affordable hotels in the area
- The proposed hotel is ideally suited for both business and tourist guests

Other

- The additional signage is welcomed and would benefit the area

- The proposed walkway adjacent to the Roman Wall should have adequate lighting
- An acoustic report should be submitted which demonstrates adequate sound and vibration mitigation during construction

8.4 The following procedural issues were raised in representations, and are addressed below:

- The Trinity Square Group have submitted a Counsel Opinion with regard to the weight that should be afforded to the previous planning permissions when determining the current proposal. The opinion states, inter alia that consideration should be given to the new application totally afresh, untrammelled by the previous planning permissions. The opinion also notes that the development plan has been amended since the previously permitted schemes were consented
- The Counsel Opinion states that City of London UDP and draft Core Strategy planning policies need to be taken into account or that all pre-conditions have been met. The Trinity Square Group's consultant also questions whether the development pursuant to the previous planning permission is a viable fall back option. In light of this they argue that only very limited weight can be given to the previous planning permissions granted.
- The Counsel Opinion also states that there is no evidence that the previous planning permissions have been implemented

(OFFICER COMMENT: The current application has been considered on its individual merits and in accordance with the current development plan, as detailed above in section 5.1. All other relevant material considerations have also been taken into account in accordance with the provisions of the Planning and Compulsory Purchase Act 2004. With regard to the need to consider the City of London's planning policies, it should be noted that the City of London was statutorily consulted and has not raised any concerns about conflicts with their planning policies. Due to the location of the site in relation to the common boundary between the Tower Hamlets and the City of London, the City of London UDP 2002 and draft City of London LDF Core Strategy September 2010 are capable of being material considerations. However, they do not form part of the Development Plan for the purposes of the decision and therefore it is for the Committee what weight should be given to these policies)

8.5 Immediately prior to the 4th August 2011 Strategic Development Committee (a previous report on this application was withdrawn from the agenda – see paragraphs 1.1 and 1.2 above), the Council received some late representations which are summarised below.

8.6 The Trinity Square Group raised further concerns over the effect of the development proposals on an already highly constrained transport network as well as the Tower of London World Heritage Site. Their specific points were as follows:

- The Tower of London Setting Study does not support commercial looking development opposite the Tower of London;
- The proposal is detrimental to the World Heritage Site and the Historic Royal Palaces have said that a storey should be removed;
- The development fails to preserve the setting of nearby listed buildings through the increased height over the previous building on the site;
- Lack of on site servicing with all servicing proposed on street. Delivery vehicles will block the bend at Trinity Square/Coopers Row creating pedestrian and vehicle conflict. City of London's concerns on this point have not been addressed and S.106 obligations and/or use of conditions are not sufficient to overcome concerns;
- Inadequate provision for coaches;
- Footpath capacity is insufficient to deal with current high pedestrian flows. The operation of a hotel without adequate off site servicing in this location conflicts with the enhanced role of the area envisaged by TfL Gateway Interchange Report, as a gathering point for visitors to the World Heritage Site and an improved environment for commuters.

8.7 A further representation was received from Marianne Fredericks (Ward Councillor – for Ward of Tower – City Corporation). She raised the following concerns:

- Hotel provision is already abundant – with no market need or a further hotel. Tower Ward is already well served by hotels (with serviced apartments also). The hotels range for 3* to 5 *, catering for all budgets;
- Local infrastructure is at capacity – with heavy footfall between Tower Hill Station and Fenchurch Street Station – and there will be risks to the public. There has been a vast increase in traffic flows following approval of a number of hotels. The net addition of more laundry lorries, refuse trucks and delivery vehicles will exacerbate this overcrowding. She refers to the City Corporation's comments that it would expect all servicing to take place between the hours of 1000 and 1600, along with additional footway widening. The reports summary makes no mention of this and the pavement remains unchanged. The eastern pavement width remains inadequate;
- The Councillor refers to the City Corporation's letter - City's policy for development of this nature is to request that all servicing should be carried out within the site and no on the highway. Were this development to fall within the City's boundary, the applicant would have been required to provide on site servicing. Also, localised widening of the footway on the eastern side, fronting the development would be required;
- The Councillor notes that LBTH Highways has no objection to coaches accessing the site via Coopers Row, but this street is not the jurisdiction of LBTH. There is no reference that the City of London have accepted access Coopers Row;
- The pavement width outside the propose hotel should be widened as the footway is currently unable to cope with existing volumes;
- The previous office consent would have controlled access. The Councillor requested confirmation that Counter Terrorism Officers at the City of London Police have been consulted. Can the Council also confirm that security measure shave been incorporated in the design of the building to deal with the risks of security attacks?
- The 2007 City Fringe Area Action Plan 2007 specifically identifies the site for employment uses. The existing office consent provides a far greater level of employment opportunities. The public realm benefits were to be and could be deliver with office scheme.
- If the Committee is minded to grant planning permission, conditions should be imposed to limit servicing between the hours of 10pm and 7am and to limit tables and chairs to be placed outside the restaurant/café between 9pm and 7am
- Concern over the extent of consultation on the current application (residents and business residing/operating within the area covered by the City Corporation).

OFFICER COMMENT The majority of these issues have already been raised and are addressed in Section 9 of this report. Officers consulted LBTH Crime Prevention on the proposed development and it is not considered necessary to consult Anti-Terrorism Officers or other similar organisations in this proposed development.

Notwithstanding the above, the applicant has further consulted with British Transport Police regarding the general alleged security threats and the Council has received a copy of further correspondence that responds to points raised by third parties. The comments are as follows:

Whilst it is clearly important that counter terrorism matters be considered, the description of the location as "highly sensitive" is inaccurate and to a degree misleading. In terms of the wider London context, the location is not that unusual. The main intent of counter terrorism advice is <u>not</u> to seek to prevent such developments, but to encourage proportionate design features which, in the event of an attack, may mitigate the extent of any damage and injury.

The recommended conditions seek to control the hours of servicing – to ensure that servicing takes place outside the main peaks of pedestrian activity in the vicinity of the site. A

condition is recommended to control the hours of use of the external terrace area.

Following the queries around neighbour consultation, officers have dispatched consultation letters to residents and businesses residing/operating within 20 metres of the site boundary (within the City of London administrative area). Further site notices have been displayed and a further advertisement placed within East End Life. At the time of writing, no further letters had been received. Any late representations will be summarised in a future Update Report.

9. MATERIAL PLANNING CONSIDERATIONS

9.1 The main planning issues raised by the application that the committee must consider are:

1. Land Use
2. Employment
3. Design
4. Heritage and Conservation
5. Transportation and Highways
6. Amenity
7. Energy Efficiency and Sustainability
8. S106 Agreement

Land Use

9.2 The application proposes the erection of a 370-room hotel (Use Class C1) with associated ancillary hotel facilities including café and bar (Use Classes A3 and A4 respectively) at ground floor level and meeting rooms (Use Class B1) at upper floor levels.

9.3 The site is located within the Central Activities Zone, where mixed use developments are encouraged to provide vitality and diversity in Central London. The Central Activities Zone is recognised as not only an area of business growth, but also an area where recreational, commercial, social and cultural uses are also important in supporting role of the CAZ and the quality of life for those living, working and visiting the area.

9.4 According to the adopted London Plan, tourism is seen as a key growth industry for London. To accommodate this growth, Policy 4.5 of the London Plan (2011) specifies a target of 40,000 net additional hotel bedrooms by 2031 respectively. The policies identify the Central Activities Zone (CAZ) as a priority location for new hotel accommodation and seek to maximise densities. Policy 4.5 also states that new visitor accommodation should be delivered in appropriate locations, where there is good public transport access, and further intensification of provision in areas of existing concentration within the CAZ should not be resisted, except where this will compromise local amenity or the balance of local land uses. Whilst it is acknowledged that there is a growing cluster of hotels within the immediate vicinity, such as those found in Coopers Row, it is considered that the area is an appropriate location for hotels given its role as a significant transport node, and would also maintain a healthy balance of land uses including retail and office.

9.5 Saved policies ART7 and CAZ1 of the UDP (1998) state that the Council will normally give favourable consideration to major hotel developments within the Central Area Zone (CAZ). In addition to this, policy SP06 of the Core Strategy (2010) states that hotel developments should be concentrated in the Central Activities Zone and City Fringe Activity Area, both of which the application site is located within.

9.6 It is recognised that the IPG City Fringe Area Action Plan (2007) specifically identifies the application site for office based employment (Use Class B1), as well as retail (A1, A2, A3 and A4) and public open space. However, in light of the direct and indirect employment opportunities that will be created by the proposal, together with the public realm benefits proposed and the objectives of the abovementioned policies, it is considered on balance that

the proposed land uses are acceptable.

Employment

9.7 Saved UDP policy EMP3 and policy EE2 of IPG (2007) consider the change of use and redevelopment of outmoded or surplus office floorspace and seek to protect it wherever possible.

9.8 As detailed above within this report, the application site benefits from an extant planning permission for an office development which was approved in 2005. Whilst the application at the time did not state the anticipated level of employment, it is generally considered that it would be higher than the proposed hotel, which the applicant details would employ between 70-90 people on a full time basis.

9.9 The applicant has submitted an Office Demand Report within their Impact Statement. It concludes that the application site, due to its location on the fringe of the city and in particular, the EC3N eastern submarket of the City of London's EC3 insurance district, is constrained by competition from proposed developments in more prime locations.

9.10 Notwithstanding the above, given the acceptability of the hotel use and the economic benefits arising from tourism and additional visitor facilities, it is considered that on balance, the level of employment together with the broad range of job opportunities provided and given the ability to ensure the resultant jobs are maximised in a manner that can benefit local residents via the S.106 agreement, it is considered that an anticipated lower level of employment is justified in accordance with policies EMP3 of the UDP 1998, SP06 of the Core Strategy (2010) and EE2 of the IPG (2007).

Design

9.11 Good design is central to all the objectives of the London Plan. Chapter 7 of the London Plan (2011) specifies a number of policies aimed at high quality design, which incorporate the principles of good design and sets high design standard objectives in order to create a city of diverse, strong, secure and accessible neighbourhoods as well as a city that delights the senses. In particular**,** policy 7.2 seeks to achieve the highest standards of inclusive and accessible design; policy 7.4 requires development to have regard to the form, function and structure of an area, place or street and scale, mass and orientation of buildings around it; whilst policy 7.5 seeks to enhance the public realm by ensuring that London's public spaces are secure, accessible, easy to understand and incorporate the highest quality landscaping, planting, furniture and surfaces.

9.12 Policies DEV1 and DEV2 of the UDP (1998) and the IPG (2007) state that the Council will ensure development create buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings.

9.13 Policy SP10 of the Core Strategy (2010) seeks to ensure that developments promote good design to create high quality, attractive and durable buildings, whilst the Vision for the Tower of London, as detailed within Annex 9 of the Core Strategy, prioritises, inter alia, the improvement of the overall quality of the public realm, regeneration to provide improvements to accessibility from the Tower of London to surrounding areas and new development to be of the highest quality and creatively respond to the historic character of the area.

9.14 Lastly, policy CFR18 of the IPG City Fringe Area Action Plan (2007), requires new development within the St. Katharine's sub-area to be integrated with the public realm, appropriately address heritage assets and promote major public realm enhancements, including the creation of new and connected public spaces and substantial improvements to the Tower Gateway public transport interchange to create an attractive and memorable entrance to Tower Hamlets and the Tower of London. The policy also requires development

to contribute to the pedestrian environment by promoting development that addresses the street, with active frontages adjacent to key pedestrian routes and public spaces, in particular the public transport interchange at Tower Gateway.

Analysis

9.15 As detailed earlier in this report, the proposed building constitutes a 9-storey building with basement, comprising a 370-room hotel with associated ancillary hotel facilities including café and bar at ground floor level, bedrooms and meeting rooms at upper floor levels. Plant and storage facilities are contained at basement and roof level. The proposal incorporates the retention of the existing Tower Hill Station ticket hall and proposes the introduction of step free access within the station to the platforms, as well as improvements to the street level ticket hall such as new signage, lighting, public art and an external canopy.

Image 1: the proposal as viewed from Trinity Square Gardens

9.16 As can be seen in **Image 1** above, the proposed building takes the approximate form of a square in plan and a cuboid in volume, with a set back top. The ground floor is divided between the Tower Hill London Underground ticket and exit hall on its southern side, with the proposed hotel's reception, lobby, café and bar area in the northern side. A canopy runs over the majority of the ground floor. In terms of materials, the ground floor is largely glazed with some areas of stone, whilst the middle element (floors 1-6) of the building is framed by Portland stone with clear glazed windows with horizontal ceramic frits glass and vertical metal fins providing a scattered fenestration pattern. As can be seen below, the west façade (as well as the north) incorporates a logo etched into Portland stone.

9.17 The upper floor levels are set back from the main building line along their southern and western frontages and at the south east corner. These floors have a metal frame and the elevations have full height vertical fins of metal with a clear glazing.

9.18 The scale, mass and height of the building is considered to be appropriate to the surrounding context. As detailed earlier in this report, the area is characterised by a range of building heights and a varied roofline, with heights varying from 4-5 storeys in height at the adjacent

41 Trinity Square to 12-15 storeys further north along Coopers Row. As detailed below in the heritage and conservation section of this report, the building is considered to be appropriate within short, medium and strategic views and does not appear to overwhelm neighbouring lower buildings (see **Image 2** below). Furthermore, it is considered appropriate to have an increase in height and scale on such a prominent corner site, particularly as it will add legibility to the Tower Hill Underground station above which it will sit.

Image 2: The proposal viewed from east of the Tower of London

9.19 The design, in particular the materials and articulation of the principle façades, is the result of extensive discussion between the applicant and officers. It is considered that the division of the building into a clear base, middle and top successfully respects the general form and expression of buildings around Trinity Square. In particular, the recessed bands running horizontally around the proposed building are aligned in order to respect the plinth and cornice line of neighbouring building at the adjacent 41 Trinity Square, whilst the use of Portland stone in general respects the predominant facing material of the buildings situated in Trinity Square.

9.20 In terms of the impact of the proposal upon the public realm, it will reinstate the continuity of built form along Trinity Square and Trinity Place, improving the definition of both and also provide active frontages on both the west and east frontages with the hotel lobby and terrace respectively. The proposed public realm works also expand the pedestrianised area immediately beyond the Underground station exit hall to the south and west, which when considered alongside the step free access works around the station (discussed later in the report) would significantly contribute to the pedestrian environment, as required by policy CFR18 of the City Fringe Area Action Plan. Furthermore, it is not considered that the proposed glazed lift overrun would appear as an incongruous feature within the public realm.

9.21 With regard to Core Strategy policy SP10's requirements for development to be of the highest quality and to creatively respond to the historic character of the area, it is considered that the proposal successfully achieves this. It is not seeking to repeat or mimic the historic context, but rather to produce a clearly modern building, with the appropriate presence a hotel needs without being unduly prominent in its context. It is thus fittingly civic and at an

appropriate scale to its neighbours. The overall finned elevations are an interesting and appropriate response to the need for a multi-fenestrated facade driven by the hotel use.

9.22 With regard to secure by design aspects of the proposal, with adequate lighting and security measures within the public areas, it is not considered that the proposal would create an unsafe public environment. A condition requiring the submission of a detailed secure by design strategy has been recommended.

9.23 In light of the above, it is considered that the design of the proposal satisfies the abovementioned policies.

Heritage and Conservation

9.24 PPS5 (Planning and the Historic Environment) requires local planning authorities who consider proposals which affect a heritage asset, such as a World Heritage Site, Listed Building, scheduled monument or a conservation area, to have special regard to the preservation and enhancement of the setting of the asset. In particular, policy HE9.1 of PPS5 states that there should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be.

9.25 Chapter 7 of the London Plan (2011) sets out policies relating to London's living places and spaces. Policies 7.8 and 7.9 seek to preserve, record, refurbish and enhance heritage assets wherever appropriate and reinforce the qualities that make the heritage asset significant, including buildings, landscape features and views.

9.26 Policy 7.10 of the London Plan (2011) refers to World Heritage Sites and requires new development not to have a negative impact on the Site's Outstanding Universal Values, whilst policies 7.11 and 7.12 refer to the London View Management Framework, of which the site falls within, including views 25A.1 and 25A.2 and the Tower Bridge River Prospect.

9.27 Policy SP10 of the Core Strategy (2010) seeks to ensure that new development preserves or enhances the wider built heritage and historic environment of the borough, enabling the creation of locally distinctive neighbourhoods. The Vision for the Tower of London area, as detailed within Annex 9 of the Core Strategy, prioritises the continued protection and enhancement of the Outstanding Universal Value of the Tower of London World Heritage Site and its setting, whilst also improving the overall quality of the public realm and accessibility. Other principles include ensuring that buildings respond sensitively to the setting of the Tower of London and do not negatively impact on strategic or local views, and seeking the highest architectural quality.

9.28 Policies CON1 – CON5 of the IPG (2007) seek to protect heritage assets such as Listed Buildings, conservation areas, ancient monuments and important views. Policy CFR18 of the City Fringe Area Action Plan requires new development to respect the setting of the Tower of London and the Tower Conservation Area.

9.29 As detailed above within section 6 of this report, an additional material consideration is the guidance contained within the Tower of London World Heritage Site Management Plan (Historic Royal Palaces, 2007) and the Tower of London World Heritage Site Local Setting Study (Tower of London World Heritage Site Consultative Committee, November 2010). The application site is located within the defined local setting of the Tower of London WHS. These promote high standards of architectural design which is appropriate to the context, seek ways in which to mitigate the impact of major roads and improve the way in which pedestrians experience the local setting. In particular, the documents aim to:

1. Ensure that the Tower is the dominant building from within the local setting (night and day)

2. Encourage built development that respects the setting of the WHS and enhances appreciation of its Outstanding Universal Value
3. Protect, enhance and, where possible, recover lost and historic routes within the local setting
4. Provide an intuitive and easily accessible environment for pedestrians within the local setting that is appropriate to the historic context
5. Create a coherent identity for the local setting through a co-ordinated strategy for use of materials, street furniture, lighting and signage
6. Celebrate the history of the local setting by incorporating specific relevant interpretation
7. Introduce 'visual thresholds' that reflect the historic transition between the local setting and surrounding city

Analysis

9.30 As detailed above within the Design section of this report, the design of the proposal is the result of extensive discussion between the applicant and officers. It is considered that the proposal successfully respects the general form and expression of buildings around Trinity Square and does not appear as unduly dominant or incongruous within the street scene or when viewed against neighbouring buildings.

9.31 English Heritage, within their consultation response dated 14th April 2011, state the following:

> *"We feel that the texture of the main body of the façade, as now proposed, would relate well, to the surrounding richly varied architectural context. We welcome the changes since the previous (withdrawn) submission relating to the use of Portland stone on the principal facades. We have consistently commented on the importance of ensuring that the upper floors have a recessive quality in key views including LVMF views 25A.1 and 25A.2 and we note the confirmation that the glazing of the top two floors would be of a low-reflectivity type."*

Furthermore, Historic Royal Palaces, within their consultation comments, welcome the change of use of the proposed development on this site from offices to a hotel, with street level facilities that will help to animate the frontages behind the underground station and improve facilities for visitors to the area. HRP note that the design represents a significant improvement upon the office scheme previously approved and state the following:

> *"Overall, the physical interventions appear to be modest and there will be little or no impact on the view north from the Tower wall walk, or views out from the World Heritage Site. The scheme does not conflict with any of the aims or objectives of the recently published Tower of London Local Setting Study.*
>
> *Historic Royal Palaces therefore has no objection in principle to the revised proposals, subject to agreement of an appropriate detailed design and the materials to be used"*

9.32 It is considered that the design of the building, with its Portland stone frame and finned elevations are an interesting and appropriate response to the need for a multi-fenestrated façade driven by the hotel use. In the setting of the WHS it is not considered that the building would be out of scale, nor in terms of the other considerations of setting of listed buildings or Conservation Area. In the case of the latter it is considered that the proposal would protect the setting of the Tower Conservation Area by virtue of infilling an unsightly vacant site with a building of suitable scale, use and design.

9.33 In summary, it is not considered that the proposed building would harm the setting of the adjacent and nearby listed buildings, the Tower Conservation Area nor the setting of the World Heritage Site. The proposed building's design and scale are considered to protect and enhance the setting of the aforementioned heritage assets; the clear outline of the building and simple façade detailing would be very helpful in this regard and in particular, the overall

setting of the Tower would not be significantly altered. Furthermore, the proposal's incorporation of step free access works around the Tower Hill Underground station and the revealing of the Roman Wall immediately adjacent make additional benefits to the setting of the WHS, in accordance with the Tower of London World Heritage Site Management Plan.


Images 3 & 4: The proposal shown in a dotted outline from LVMF views 25A.1 (L) and 25A.2 (R)

9.34 With regard to the London View Management Framework, of which the site falls within, including views 25A.1, 25A.2 and 25A.3 (as shown above in **Images 3 & 4**) and the Tower Bridge River Prospect, it is not considered that the proposal would appear unduly prominent within these views, as supported by English Heritage within their consultation response.

9.35 In light of the above, it is considered that the proposal is acceptable in heritage and conservation terms, and would protect and enhance the setting of the numerous heritage assets within close proximity of the site, including listed buildings, the Tower Conservation Area, the Roman Wall scheduled monument and the Tower of London World Heritage Site. The proposal is therefore in accordance with PPS5 and the abovementioned development plan policies.

Step Free Access Works and Inclusive Design

9.36 Policy 7.2 of the London Plan (2011) and Saved UDP Policy DEV1 and DEV3 of the IPG seek to ensure that developments are accessible, usable and permeable for all users and that development can be used easily by as many people as possible without undue effort, separation or special treatment.

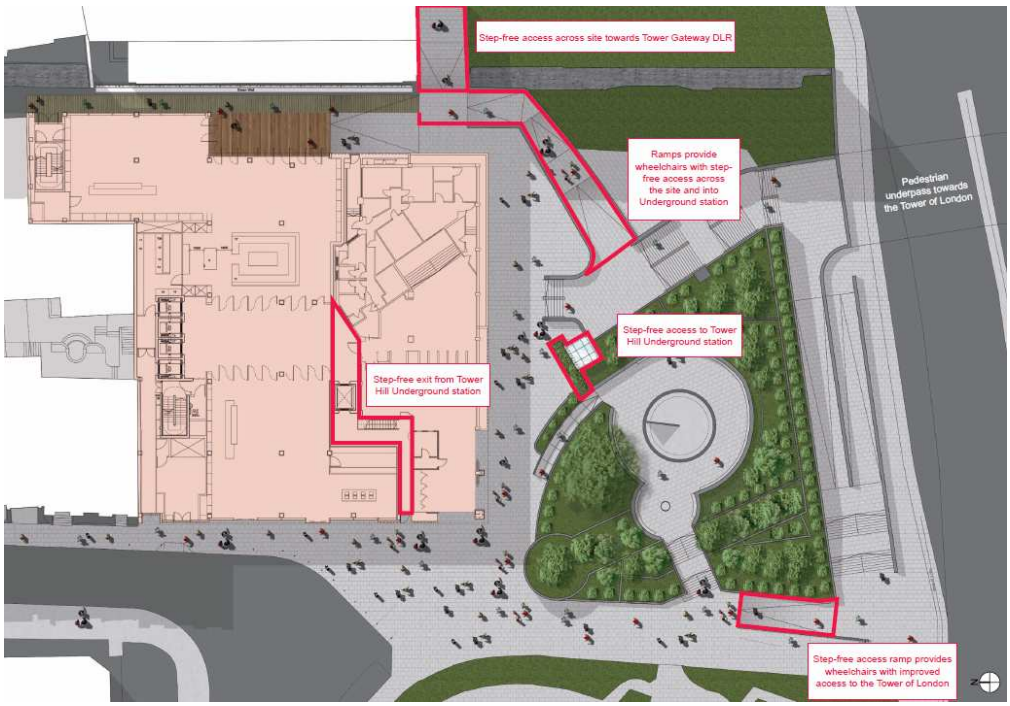

Image 5: The proposed Step Free Access Works

9.37 As detailed earlier in this report, the application also proposes step free access public realm works within the vicinity of the application site and the Tower Hill Underground station. This involves the construction of two lift shafts, one serving the eastbound platform and one serving the westbound platform of the District and Circle Lines. Currently the nearest step free access station is Westminster or West Ham on either end of the District line. As can be seen in **Image 5** above, the public realm would also be upgraded to incorporate associated step free ramps linking the station to the Tower Gateway DLR interchange, to the Tower of London and towards Fenchurch Street station and its environs.

9.38 London Underground have commented as follows upon the proposal:

> *"[The proposed step free access works] presents a real opportunity to upgrade the station to eventually achieve a complete step free access solution. Tower Hill underground station is a strategically important station for LU given its location and increased use by both tourists and business travellers. The station is in close proximity to Network Rail's Fenchurch Street station and Tower Gateway DLR station, both of which are provide step-free access (SFA). Many passengers travelling through these two stations interchange at Tower Hill station to access London Underground services. Approval of this development will enable provision for future step free interchange… LU believes that delivery of the proposed scheme will be a vast improvement for the travelling public using the station. The current external station environment is in need of upgrade and improvement, particularly given its position as the main public service travel hub for visitors to the Tower of London and Tower Bridge"*

9.39 Officers have held extensive discussions with the applicant in order to ensure that the proposed step free access works achieve the development plan aims of a truly inclusive hotel development but also to ensure that the character and setting of the various heritage assets is preserved or enhanced. By securing the delivery of the step free access works prior to the opening of the hotel and requiring the submission of details and samples of all surface materials to the public realm and lift shaft overrun, it is considered that the proposal achieves these aims.

9.40 Accordingly, the proposal is considered to be in accordance with the aims and objectives of the aforementioned development plan policies as well as the aims of the Tower of London

World Heritage Site Management Plan (Historic Royal Palaces, 2007) and the Tower of London World Heritage Site Local Setting Study (Tower of London World Heritage Site Consultative Committee, November 2010).

Transportation & Highways

9.41 PPG13 and the London Plan (2011) seek to promote sustainable modes of transport, accessibility, and reduce the need to travel by car.

9.42 Saved UDP policies T16, T18, T19 and T21 require the assessment of the operation requirements of the development proposal and the impacts of traffic generation. They also seek to prioritise pedestrians and encourage improvements to the pedestrian environment. IPG policies DEV 16, 17, 18 and 19 require the submission of transport assessments including travel plans and set maximum parking standards for the Borough. Core Strategy policies SP08 and SP09 seek to deliver accessible, efficient and sustainable transport network and to ensure new development has no adverse impact on the safety and capacity of the road network, whilst ensuring that new developments have a high level of connectivity with the existing and proposed transport and pedestrian network.

9.43 As detailed within section 5 of this report, the site has an excellent level of accessibility to public transport, with a Public Transport Access Level of 6b ('Excellent') where 1 represents the lowest and 6b the highest. As detailed above, the site is located immediately adjacent to and above Tower Hill Underground station, which is served by the District and Circle Lines, with Tower Gateway DLR station approximately 100 metres to the east and Fenchurch Street mainline station 140 metres to the north of the site. Numerous bus routes also serve a number of surrounding streets, including routes 15, 25, 42, 78, 100 and RV1, whilst river taxi services also call at the nearby St Katharine's Pier and Tower Millennium Pier.

9.44 The proposal does not affect the layout of the integrated Tower Hill Underground station, apart from the establishment of step free access as detailed above. The surrounding highway network is to remain largely unaltered, with the exception of a small area of the Trinity Square turning head immediately to the west of the site, which is to be pedestrianised, which is considered to benefit pedestrian movement and in particular passenger access and egress from Tower Hill Underground station, thereby improving the permeability of this site and improve local connectivity in the area in line with the relevant transport, pedestrian and public realm policies outlined above. The existing taxi bay on Trinity Square will remain in-situ.

Car Parking

9.45 Policy 6.13 of the London Plan (2011), saved Policy T16 of the UDP, policies DEV17, DEV18 and DEV19 of the IPG and Policy SP09 of the Core Strategy seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.

9.46 The proposed development is entirely car-free and given that the site has a Public Transport Access Level (PTAL) of 6b (excellent), this is considered to be acceptable.

Coach Parking

9.47 Planning Standard 3 of the Interim Planning Guidance (2007) requires a coach parking bay to be provided for every 100 hotel bedrooms. IPG policy DEV19 states that proposals which do not accord with the standard should demonstrate that the variation is necessary through a detailed transport assessment.

9.48 The application does not propose any provision for on-site coach parking, however, within the submitted Servicing and Coach Management Plan, the applicant states that any parking of coaches (including pick up and set down) would be undertaken at the nearby Tower Hill

Coach Park, located in Lower Thames Street and contains 16 coach parking bays. The applicant has stated that they would not accept coach tour related hotel bookings and would accept an obligation (through a S.106 Agreement) to that effect, in the same manner that the City of London has imposed on hotels in close vicinity of the application site.

9.49 Both TfL and LBTH Highways are satisfied that coaches and servicing vehicles can access the site from Cooper's Row and egress from Trinity Square onto Tower Hill/Byward Street, and the applicant has demonstrated that large luxury coaches are able to safely access Trinity Square from the north via Cooper's Row. However, it is acknowledged that the site has high pedestrian movements and given the proposal incorporates on-street servicing (discussed below) any coach parking should not take place in Trinity Square.

9.50 Accordingly, the applicant has agreed to an obligation within the s106 legal agreement which prevents the applicant from accepting any bookings that may result in users of the development being transported to and from the site in coaches which set down, park or pick up passengers within the immediate vicinity of the site. As detailed below in the analysis of the servicing and delivery aspects of the proposal, a condition has also been attached which requires the submission of a Delivery and Servicing Management Plan, as well as a condition which only allows servicing during the off-peak periods identified within the submitted pedestrian and vehicle movement periods. Officers consider that such measures would significantly reduce the likelihood of coaches arriving at the hotel and therefore any conflict between coaches and servicing vehicles.

9.51 In conclusion, given the site's city fringe location, its excellent PTAL rating (being located immediately adjacent to an Underground Station and within close proximity of DLR, national rail and bus links), the proximity of the dedicated Tower Hill Coach Park together with the aforementioned obligation preventing the proposed hotel from accepting bookings from tour operators, travel agents or other persons that may result in users of the development being transported to and from the site in coaches which set down and pick up/drop off passengers at the site, it is considered that the likelihood of coaches arriving at the hotel is minimised and therefore would not unduly detriment pedestrian movement nor the safe operation of the highway. The proposal is therefore considered to accord with the aforementioned development plan policies.

Servicing and Deliveries

9.52 It is proposed for servicing and deliveries to take place on-street, from the kerbside of Trinity Square immediately adjacent to the western façade of the proposed building. This area is currently controlled by parking restrictions (single yellow line) and permits any vehicle undertaking such activities at kerbside for up to a maximum dwell time of 20 minutes.

9.53 Within the submitted Servicing Plan, the applicant details that it is envisaged that the hotel would only generate 6 goods vehicles a day, with each one having a maximum kerbside dwell time of 20 minutes for the reasons detailed above. The applicant has also undertaken a survey of a comparable hotel within the Borough, which estimates that there would be 18 vehicle movements per day. Notwithstanding this, it would be possible to secure the lesser vehicle trips by way of requiring the submission and agreement of a Delivery & Service Management Plan by condition.

9.54 During the course of the previously withdrawn application and the intervening period prior to submission of the current application, Officers have held extensive discussions with the applicant regarding the proposed on-street servicing strategy. The Council's Highways department have commented that whilst on-site servicing would normally be preferred by Highways, the applicant has provided further detailed information including additional pedestrian surveys and a FRUIN assessment (a method endorsed by TfL) to justify the pursuance of on-street servicing.

9.55 The additional pedestrian surveys demonstrate the peak movement periods within this area of Trinity Square to be between 0700-1000 hours and 1600-1900 hours. Together with the identified service vehicle movements detailed within the application, LBTH Highways consider that sufficient justification has been made and the applicant has adequately demonstrated that on-street servicing would have no undue impacts, subject to a condition being attached which prevents servicing from taking place between 0700-1000 hours and 1600-1900 hours inclusive. This would ensure that servicing activities do not occur during peak hours of pedestrian movement.

9.56 It is also proposed that servicing and deliveries would be managed and co-ordinated through a Delivery & Servicing Plan (DSP) to be prepared and submitted prior to occupation. LBTH Highways also require the submitted Servicing and Coach Management Plan to be updated prior to occupation and secured via a planning condition should planning permission be granted. These measures are supported by Transport for London and such conditions and obligations have been attached as detailed above in section 4 of this report. Accordingly, it is considered that the proposed service and delivery strategy is in accordance with the abovementioned policies.

Refuse

9.57 The application details that the proposal incorporates waste storage at ground floor level which would be collected at kerbside on Trinity Square, as outlined above.

9.58 It is recommended that any grant of permission is subject to a condition requiring the implementation of an agreed Delivery & Servicing Plan (DSP), as previously detailed.

Widening of Pavement in Trinity Square

9.59 Highways welcome the proposed works to widen the pavement immediately to the west of the hotel. This would be secured at the applicant's expense via S.278/S.72 Agreements, along with the works to realign the pavement/kerb line along the southern edge of Trinity Square.

Cycle Parking

9.60 The Interim Planning Guidance (2007) requires 1 cycle parking space per 10 staff and 1 cycle parking space per 15 residents, generating a total requirement of 41 spaces.

9.61 A total of 35 Sheffield-style cycle stands are proposed to be provided within the development at basement level, with each stand capable of securing two bicycles. This therefore exceeds the minimum cycle parking requirements as defined within the Interim Planning Guidance (2007) and is therefore acceptable.

Amenity

Daylight and Sunlight

9.62 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (1991).

9.63 Policy 7.7 of the London Plan (2011) requires that all large-scale buildings, including tall buildings pay particular attention in residential environments including general amenity considerations and overshadowing. Furthermore, they should be sensitive to their impact on micro-climate in terms of sun, reflection and overshadowing. Saved Policies DEV1 and DEV2 of the UDP (1998) and Policies DEV1 and DEV27 of the IPG (2007) require that developments should not result in a material deterioration of sunlight and daylight conditions. Core Strategy Policy SP10 also seeks to protects amenity, and promotes well-being

including preventing loss of privacy and access to daylight and sunlight.

9.64 The application is accompanied by a Daylight and Sunlight Assessment within the submitted Impact Statement (which considered the impact of the development on neighbouring residential windows) and concluded that the impact of the proposed scheme is within BRE guidelines in respect of daylight consideration and also that sunlight will not be impacted. Officers are in agreement with these conclusions.

9.65 There are a number of commercial windows in the vicinity of the site and further work has been undertaken by the applicant's daylight/sunlight advisor to assess impact on these non residential windows. Specific objection has been raised regarding loss of light to western windows of 6 and 7 The Crescent. These windows are already enclosed and receive limited daylight and whilst the % loss exceeds 20%, in view of the current light levels, this is not considered significant. In summary, whilst some of these windows will be impacted to a limited extent, in view of the location of these windows, the urban character of the area, the non residential use of neighbouring buildings and the previous office building that was present on the site, officers are of the view, on balance, that any reduction of daylight and sunlight to these commercial properties would not be significant and would not sustain a refusal of planning permission.

9.66 It is considered that the proposed development is generally in accordance with the BRE guidance, Policy 7.6 and 7.7 of the London Plan (2011), saved Policies DEV1 and DEV2 of the UDP (1998), Policies DEV1 and DEV27 of the IPG (2007) and Policy SP10 if Core Strategy (2010) with regards to sunlight and daylight and on balance, the proposals are not likely to cause any adverse impacts to warrant refusal of planning permission.

Air Quality

9.67 PPS23 and Policy 7.14 of the London Plan (2011**)** relate to the need to consider the impact of a development on air quality. Policies DEV2 of the UDP (1998) and Policy DEV5 of the IPG (2007) and Core Strategy Policy SP02 seek to protect the Borough from the effect of air pollution and Policy DEV11 in particular requires the submission of an air quality assessment where a development is likely to have a significant impact on air quality. Tower Hamlets Air Quality Action Plan (2003) also examines the various measures for improving air quality in the Borough.

9.68 The application is supported by an Air Quality Assessment scoping document within the submitted Impact Statement which is considered to be acceptable basis to deal with air quality impacts. A condition has been attached requiring the submission of a Construction Environmental Management Plan prior to commencement.

Noise and Vibration

9.69 PPG24 is the principal guidance adopted within England for assessing the impact of noise on proposed developments. The guidance uses noise categories ranging from NEC A where noise doesn't normally need to be considered, through to NEC D where planning permission should normally be refused on noise grounds.

9.70 Policy 7.15 of the London Plan (2011) sets out guidance in relation to noise for new developments and in terms of local policies, saved policies DEV2 and DEV50 of the UDP (1998), policies DEV1, DEV10, DEV12, DEV27 and HSG15 of the IPG (2007), and policies SP03 and SP10 of the Core Strategy (2010) seek to minimise the adverse effects of noise.

8.71 The applicant will be required to incorporate appropriate noise insulation measures in accordance with Building Regulations. Notwithstanding the predominantly commercial nature of the surrounding area, it is also considered appropriate to condition the operation of the outdoor terrace area including hours of operation. Finally, conditions are also

recommended to ensure any plant and machinery incorporates sufficient noise attenuation measures.

9.72 In terms of noise and vibration during demolition and construction, conditions are also recommended which restrict construction hours and noise emissions and requesting the submission of a Construction Management Plan which will further assist in ensuring noise reductions.

9.73 As such, it is considered that the proposals are generally in keeping with Planning Policy Guidance Note 24, Policy 7.15 of the London Plan (2011), Saved policies DEV2 and DEV50 of Tower Hamlets UDP (1998), policies DEV1, DEV10, DEV12 and DEV27 of Tower Hamlets IPG (2007), and policies SP03 and SP10 of the Core Strategy (2010).

Privacy

9.74 Core Strategy Policy SP10 seeks to ensure that buildings promote good design principles to create buildings, spaces and places that are high-quality and protect amenity including preventing loss of privacy. Considering that the submitted Impact Statement identifies only 1 residential habitable window nearby, with the vast majority of properties being commercial, it is considered that the development does not result in any undue loss of privacy to residents, or commercial occupiers.

Energy Efficiency and Sustainability

9.75 At a national level, PPS22 and PPS1 encourage developments to incorporate renewable energy and to promote energy efficiency. At a strategic level, Policies 5.1 and 5.2 of the London Plan (2011) seek to achieve a reduction in London's carbon emissions of 60% (below 1990 levels) by 2025.

9.76 The Mayor's Energy Strategy sets out the Mayor's energy hierarchy which is to:
- Use Less Energy (Be Lean);
- Supply Energy Efficiently (Be Clean); and
- Use Renewable Energy (Be Green).

9.77 Policy 5.2 of the London Plan (2011) requires a 25% reduction (2010-2013) and 40% (2013-2016) for non-residential buildings.

9.78 Saved Policy DEV2 of the UDP (1998), DEV 6 of the IPG (2007) and SP02 of the Core Strategy (2010) seek to incorporate the principle of sustainable development, including use of energy efficient design and materials, promoting renewable technologies.

9.79 The submitted energy strategy follows the London Mayor's energy hierarchy as detailed above, as follows:

- Be Lean: The scheme minimises energy use through passive design measures anticipated to result in carbon savings of approximately 29.2%;
- Be Clean: A combined heat and power system is proposed and has been calculated to provide a carbon reduction of 26.3%;
- Be Green: The proposed development does not incorporate renewable technologies. Through the maximisation of the CHP system to deliver space heating and hot water it is acknowledged that meeting the 20% of the building's energy demand is not feasible. The applicant has demonstrated compliance with the Draft Replacement London Plan (2009) through achieving a 44% reduction above Part L 2006.

9.80 The proposed overall 56.7% reduction in carbon emissions through energy efficiency measures and a CHP power system is considered to be acceptable and in accordance with the abovementioned development plan policies. The strategy is proposed to be secured by

condition.

9.81 In terms of sustainability, policy 5.3 of the London Plan (2011) seeks development to meet the highest standards of sustainable design and construction. The applicant has submitted a Sustainability Statement which commits the development to achieve a BREEAM rating of 'Excellent' as a minimum with an aspiration to achieve 'Outstanding'. A condition has been attached which requires the applicant to undertake and submit a BREEAM assessment to demonstrate the development has been designed to target 'Outstanding'.

Section 106 Agreement

9.82 As set out in Circular 05/2005, planning obligations should only be sought where they meet the 5 key tests. The obligations should be:

(i) Relevant to planning;
(ii) Necessary to make the proposed development acceptable in planning terms;
(iii) Directly related to the proposed development;
(iv) Fairly and reasonably related in scale and kind to the proposed development; and
(v) Reasonable in all other respects.

9.83 More recently, Regulation 122 of the Community Infrastructure Levy Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they are:

(a) Necessary to make the development acceptable in planning terms;
(b) Directly related to the development; and
(c) Are fairly and reasonably related in scale and kind to the development.

9.84 Policies 8.1, 8.2, 8.3 of the London Plan (2011**)**, Saved policy DEV4 of the UDP (1998), policy IMP1 of the IPG (2007) and policy SP13 in the Core Strategy (2010) seek to negotiate planning obligations through their deliverance in kind or through financial contributions.

9.85 As detailed above within section 3.1 of this report, LBTH Officers have identified the following contributions to mitigate against the impacts of the proposed development, which the applicant has agreed. As such, it is recommended that a S106 legal agreement secure the following Heads of Terms:

<u>Financial Contributions</u>

a) Highways & Transportation: **£103,000**, comprising:
   - £3,000 towards monitoring the Travel Plan
   - £50,000 towards the Legible London wayfinding scheme
   - £50,000 towards the Cycle Hire Scheme

b) Employment & Enterprise: **£105,642** towards the training and development of unemployed residents in Tower Hamlets to access either:
   - Jobs within the hotel developmental end-use phase; or
   - Jobs or training within Hospitality, Leisure, Travel & Tourism employment sectors in the final development

c) Leisure & Tourism promotion: **£54,500**; comprising:
   - £26,500 towards developing a destination map of the Borough for visitors
   - £28,000 towards business tourism promotion and implementing a programme with Visit London to promote Tower Hamlets as a business tourism destination in the UK, European and International Meeting, Incentive, Conference and Exhibition Market

Non-Financial Contributions

d) Delivery of public realm improvements and step-free access works;
e) No coach parking or drop-offs / pick-ups from Trinity Square or Coopers Row;
f) Code of Construction Practice - To mitigate against environmental impacts of construction;
g) Reasonable endeavours for 20% goods/services to be procured during the construction phase should be achieved by businesses in Tower Hamlets;
h) Reasonable endeavours for 20% of the construction phase workforce will be local residents of Tower Hamlet;
i) The equivalent of 20% of the workforce residing in Tower Hamlets are given HLTT (Hospitality, Leisure, Travel & Tourism) sector related training;
j) Access to Employment - To promote employment of local people during and post construction, including an employment and training strategy;

9.86 The developer is proposing step free access works from the public realm down onto Tower Hill (A3211), which falls outside the development site. They propose the inclusion of an obligation in the S.106 agreement to use their best endeavours to carry out this work. The land on which the works will be carried out is unregistered and the developer has been unable to determine ownership at this time. While it is considered highly beneficial for step free works in this location to be carried out, in light of the other step free works that will be secured, it is not considered that they are necessary to make the development acceptable in planning terms (and therefore that they meet the tests of the CIL Regulations). Therefore while it is proposed to accept a covenant in the S.106 agreement, such an obligation should not be considered a reason for granting planning permission. It is also noted that without the owner of this piece of land entering into the S.106 agreement such a covenant would not bind this piece of land.

Highways and Transportation

Travel Plan monitoring

9.87 Travel plans are a key tool to ensuring developments minimise adverse environmental impacts of the travel demand that it generates. Development of the nature and scale proposed will generate different travel demands when compared to the former or existing use considering its redundant nature at present. As such, a Travel Plan is required. It is considered that the agreement will also seek to secure a travel plan co-ordinator to ensure implementation of the travel plan and on going monitoring.

9.88 A standard contribution of £3,000 is also requested towards the Council's costs of monitoring the implementation of the travel plan over a five year period.

Legible London Wayfinding Scheme

9.89 Transport for London has requested £50,000 towards improving signage in the area, which would improve wayfinding for commuters, tourists and users of the area in general. TfL state that it helps visitors walk to their destination quickly and easily and the easy-to-use system presents information in a range of ways, including on maps and signs, to help people find their way. It's also integrated with other transport modes so when people are leaving the Underground, for example, they can quickly identify the route to their destination. Given the poor legibility currently experienced within the immediate environs of Tower Hill Underground station, this contribution would be a significantly improvement to the area.

Cycle Hire Scheme

9.90 A contribution of £50,000 has been requested by TfL towards the cycle hire scheme in the

area. TfL explain that the contribution would be used for example to introduce new cycle docking stations, or enhance existing facilities in the local area to meet the additional demand created by users of the proposed hotel.

Employment and Enterprise

9.91 *Proposed employment/enterprise contributions at construction phase:*

To ensure local businesses benefit from this development LBTH expect that 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets. LBTH will support the developer to achieve their target through ensuring they work closely with the council to access businesses on the approved list (Construction Line), and the East London Business Place.

The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. LBTH will support the developer in achieving this target through providing suitable candidates through the Skillsmatch Construction Services. Where the provision of local labour is not possible or appropriate, the Council will seek to secure a financial contribution to support and/or provide for training and skills needs of local residents in accessing new job opportunities in the construction phase of new developments. The financial contribution that would be required is £30,533.

9.92 *Proposed employment/enterprise contributions at end-use phase:*

The council seeks a £39,709 monetary contribution towards the training and development of unemployed residents in Tower Hamlets to access either:

- jobs within the hotel development end-use phase and the B1 provision
- jobs or training within employment sectors in the final development

In addition, the Council requests that, of the final development workforce (296 employees based on a 1.25 FTE employee density per 4* rating bedroom in a hotel), or the equivalent of 20% of the final workforce, will be those residing in Tower Hamlets and will be given the following sector related training:

The Employment First Training Programme, which is delivered by SEETEC. This course has been accepted by large LOCOG contractors such as Sodexo and Aramark as a qualified standard for new industry entrants in the HLTT sector.

Modules include:

- Team Working
- Customer Service
- Food and Safety Level 2
- Health and Safety Level 2
- Dealing with difficult situations
- Time Management
- Communication and influencing

If the developer is unable to provide or deliver the training, we will request a monetary contribution of £35,400 for the delivery of this training to local residents.

Monitoring for all obligations will be discussed and agreed with the developer prior to commencement of works.

These three financial contributions would total the £105,642.

Other Contribution Requests

9.93 As detailed earlier within this report, LBTH Communities, Localities and Culture requested a contribution of £607,752 towards public realm works, based on the formula detailed within the draft Planning Obligations SPD recently approved by Cabinet. Given the limited weight of the aforementioned SPD and also the extensive public realm and step free access works which are proposed within the vicinity of the application site and also the adjacent Tower Hill Underground station entrance (which the applicant details are to be delivered at a cost of £575,000 for the landscaping works and step free access works, whilst the creation of the lift accesses is valued at approximately £1.99m), it is not considered that the requested contribution is necessary to make the development acceptable in planning terms.

9.94 It is also considered that the majority of the step free access works are necessary to mitigate the impact of the scheme and create an inclusive development, accordingly, the delivery of these prior to the commencement of the hotel use are recommended to be secured via the s106 agreement.

10 Conclusions

10.1 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

APPENDIX 2

LONDON BOROUGH OF TOWER HAMLETS

STRATEGIC DEVELOPMENT COMMITTEE

15th September 2011 at 7.00pm

UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

Index

Agenda item no	Reference no	Location	Proposal
7.1	PA/11/00163	38-40 Trinity Square, London EC3	Erection of a 9-storey building with basement, comprising a 370-room hotel (Use Class C1) with associated ancillary hotel facilities including cafe (Use Class A3), bar (Use Class A4) and meeting rooms (Use Class B1) with plant and storage at basement and roof level. The application also proposes the formation of a pedestrian walkway alongside the section of Roman Wall to the east of the site; the creation of a lift overrun to facilitate a lift shaft from ticket hall level to platform level within the adjacent London Underground station and associated step free access works; works of hard and soft landscaping; and other works incidental to the application
7.2	PA/10/2093	Tweed House	Demolition of existing building and associated garage buildings; partial demolition of the adjacent towpath wall and the erection of a new residential development to provide 115 units comprising of 33 x 1 bed, 43 x 2 bed, 31 x 3 bed, 7 x 4 bed and 1 x 5 bed), 1 disabled parking space, 166 cycle parking facilities, landscaped open space and private amenity space.

Agenda Item number:	7.1
Reference number:	PA/11/00163
Location:	Tower House, 38-40 Trinity Square
Proposal:	Erection of a 9-storey building with basement, comprising a 370-room hotel (Use Class C1) with associated ancillary hotel facilities including cafe (Use Class A3), bar (Use Class A4) and meeting rooms (Use Class B1) with plant and storage at basement and roof level. The application also proposes the formation of a pedestrian walkway alongside the section of Roman Wall to the east of the site; the creation of a lift overrun to facilitate a lift shaft from ticket hall level to platform level within the adjacent London Underground station and associated step free access works; works of hard and soft landscaping; and other works incidental to the application.

1. CALL-IN REQUEST

Members should note that the Department for Communities and Local Government (DCLG) have received a request from the Trinity Square Group for this application to be called-in for determination by the Secretary of State under the Town and Country Planning Direction (2009). Accordingly, should Members resolve to approve the application, a copy of the main committee report, this update report plus minutes of tonight's meeting will be forwarded to DCLG for their consideration.

2. APPLICATION DETAILS

Drawing Numbers

2.1 There was an error within section 1 of the main committee report with regard to the drawing numbers; drawing 21_241 G does not exist and should therefore be disregarded.

3 SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

3.1 Within the first bullet point at paragraph 3.1, there is a typographical error. Saved policy ART1 of the Unitary Development Plan (1998) is referred to, however this should not be included.

3.2 Within the second bullet point, reference is made to saved UDP policy DEV1. This is a typographical error and should not be included.

3.2 Within the third bullet point, reference is made to the Tower Conservation Area. This should also read that the proposal is considered to respect, preserve and enhance the character and setting of the nearby conservation areas, namely the Trinity Square Conservation Area and the nearby Crescent Conservation Area and the Fenchurch Street Conservation Area.

3.3 Accordingly, the first, second and third bullet points within the summary of material planning considerations are amended to read as follows:

- A hotel-led scheme will contribute to the strategic target for new hotel accommodation. It will complement the Central Activity Zone's role as a premier visitor destination and in this respect, will support London's world city status. The scheme therefore accords with policy 4.5 of the London Plan (2011), saved policies EMP3 and CAZ1 of the Council's Unitary Development

Plan (1998), policies SP06 and SP12 of the Core Strategy Local Development Framework (2010) and policies EE2 and CFR15 of the Council's Interim Planning Guidance (October 2007) which seek to promote tourism and hotel developments within the Central Activity Zone

- The ancillary cafe (Use Class A3), bar (Use Class A4) and meeting rooms (Use Class B1) are acceptable as they will provide for the needs of the development and demand from surrounding uses, and also present employment in a suitable location. As such, it is in line with saved policy DEV3 of the Council's Unitary Development Plan (1998), policy SP06 of the Core Strategy Local Development Framework (2010) and policies DEV1 and CFR1 of the Council's Interim Planning Guidance (October 2007) which seek to support mixed use developments and local job creation

- The height, materials, scale, bulk and design of the building is acceptable and is considered to respect, preserve and enhance the character and setting of the Tower of London World Heritage Site, the Tower Conservation Area and surrounding conservation areas, the adjacent Listed Buildings and the adjacent Scheduled Ancient Monument. As such, the proposal is in accordance with Planning Policy Statement 5 (2010), policies 7.3, 7.8, 7.9 and 7.10 of the London Plan (2011) as well as saved policy DEV1 of the LBTH UDP (1998), policies DEV2, CON1, CON2 and CFR18 of the Interim Planning Guidance (2007) and policies SP10 and SP12 of the Core Strategy Development Plan Document (2010) which seek to protect the character, appearance and setting of heritage assets. The proposal is also in accordance with the aims and objectives of Tower of London World Heritage Site Management Plan (Historic Royal Palaces, 2007)

4 RECOMMENDATION

Legal Agreement

4.1 Following the publication of the committee report, the Council's Employment and Enterprise team have reviewed their contribution request towards employment in the end-use phase in light of the publication of the draft Planning Obligations Supplementary Planning Document. Accordingly the contribution has been increased from £39,709 (as detailed at paragraph 4.1 of the committee report) to **£42,517**.

4.2 To clarify, within non-financial obligation h) at paragraph 4.1 of the published report, the applicant is required to undertake reasonable endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. Should the applicant fail to achieve this, a financial contribution of £30,533 would be payable to Skillsmatch to support and/or provide for training and skills needs of local residents in accessing new job opportunities in the construction phase of new developments. Similarly, within non-financial contribution i), should the applicant fail to provide 20% of the final employment opportunities to Tower Hamlets residents, then a contribution of £35,400 would be payable to the Council to deliver the training.

4.3 In light of the above, it should be noted that the financial contribution towards Employment and Enterprise should read as up to £108,450 in light of the increased end-use employment contribution request and dependence on whether the applicant provides the required training or employment during construction and end-use themselves. Accordingly, the total financial contribution sought is **up to £265,950**.

4.4 Members will note at paragraph 4.5 of the published report that the legal agreement is required to be completed by 1st November 2011. As the full details of the landscaping, public realm and step free access works are required by condition to be submitted

and agreed in writing prior to commencement works and given the s106 agreement would need to reference the approved plan/s, the applicant has requested an extension to the Planning Performance Agreement to the 15th December 2011 in order for the details to be prepared and submitted for approval.

Additional conditions

4.5 Additional conditions are recommended requiring the submission and agreement of details of the lift overrun and the proposed art wall at ground floor level on the south and east elevations of the proposed building.

5 PROPOSAL AND LOCATION DETAILS

5.1 At paragraph 5.9 of the published report, there are typographical errors. It should also be noted that the application site is located opposite the Trinity Square Conservation Area, the Port of London Authority building at 10 Trinity Square is Grade II* listed rather than Grade II and the Grade II Listed railings are to Trinity House rather than Trinity Square.

6 POLICY FRAMEWORK

6.1 At paragraph 6.2 of the committee report, saved UDP (1998) policy ART7 should be removed as this was replaced by policy SP06 of the Core Strategy (2010).

7 CONSULTATION RESPONSES

7.1 Further to the publication of the main report, additional consultation responses have been received as follows:

English Heritage (statutory consultee)

7.2 Within their letter dated 21st July 2011, English Heritage has commented upon the Council's recent reconsultation upon amendments to the scheme. English Heritage has commented that they are content with regard to the landscape elements of the proposal including the design of the lift overrun/stairs and the viewing platform in relation to the setting of adjacent heritage assets including the Tower of London World Heritage Site.

Historic Royal Palaces (statutory consultee)

7.3 Historic Royal Palaces have provided further comment upon those detailed within the published report at paragraph 6.15. HRP have added:

> *"Achieving step free access is admirable and the public realm works are acceptable, subject to approval of the detailed design (materials, signage etc) and a management strategy for the public space"*

HRP have also commented that their quote contained at paragraph 8.32 of the published report referred specifically to the landscaping proposals shown on the revised application submitted in January 2011, not to the office block. As the landscaping proposals were subsequently changed, this comment is no longer relevant and should be deleted.

(OFFICER COMMENT: A condition was recommended in the published report requiring submission and agreement of the detailed landscaping scheme)

London Underground (statutory consultee)

7.4 London Underground have provided a letter of support for the scheme, dated 31st August 2011. In particular, they state the following:

> *"This scheme provides a real opportunity to achieve step-free access at Tower Hill – which would deliver considerable benefits given the location of the station and its interchange with nearby stations. Currently the nearest step-free access Tube stations are Westminster or West Ham. Tower Hill tube station, which is used by close to 70,000 passengers on a typical weekday, is in close proximity to Network Rail's Fenchurch Street station and Tower Gateway DLR station both of which provide step-free access. Many passengers – including a high number of tourists and business travellers – travelling through these two stations interchange at Tower Hill station to access London Underground services. Approval of this development will enable not just provision for future step-free access from platform to street but step-free interchange from station to station.*
>
> *"Delivery of the proposed scheme will be a vast improvement for customers using the station. The current external station environment is in need of upgrade and improvement, particularly given its position as the main public service travel hub for visitors to the Tower of London and Tower Bridge. The proposed scheme would deliver these improvements.*
>
> *"It is important to note that funding for a step free access scheme at Tower Hill Tube station, such as the one proposed by Citizen M, is not currently available via other sources and nor is it likely to be for the foreseeable future. This proposal therefore offers a unique opportunity to take another step forward in creating an accessible tube network for London. It would increase the number of step-free Tube stations in Tower Hamlets by 50%".*

LBTH Highways & Transportation

7.5 Within LBTH Highways' consultation response detailed at paragraph 6.8 of the published report, it states that a total of 35 Sheffield-style cycle stands are provided (this is also referred to again at paragraph 8.62). This is an error – the scheme provides 18 Sheffield stands, providing 36 cycle spaces. LBTH Highways have confirmed that this is acceptable, as assuming the maximum number of guests on site is 462 and the maximum number of employees on site at any one time is 35, the minimum provision is 35 spaces in accordance with IPG Planning Standard 3. As such, the provision of 36 spaces is compliant.

Highways have also provided further clarification with regard to the proposed s278 Highway Agreement works that would be secured should permission be granted:

> *"As part of S278 works associated with any future planning permission we would look to ensure that there are double yellow lines in the vicinity of the site so that the waiting/loading restrictions apply 24hours a day, 7 days a week rather than ceasing when the CPZ expires (as is the case with single yellow lines).*
>
> *We would also look to secure yellow line markings vertically up the kerb edge as this will further regulate the hours during which servicing can take place. This would then require a sign stating the times during which servicing is prohibited (0700-1000hours and 1600-1900hours)"*

LBTH Communities, Localities and Culture

7.6 For clarification, it should be noted that the requested financial contribution from CLC

as detailed at paragraph 6.4 is not considered necessary to make the development acceptable in planning terms (as discussed at paragraph 8.92 of the published report), rather than being non-compliant.

8. LOCAL REPRESENTATION

8.1 An error has been made at paragraph 8.1 of the published committee report. It should read that a total of 392 neighbouring properties were notified, rather than 291.

8.2 As a matter of clarification, the officer comment at paragraph 8.7 of the published committee report should read "all of these issues have already been raised and are addressed in Section 9 of this report".

8.3 A total of 5 further letters of representation have been received following the publication of the committee report, with 1 in support and 4 in objection to the proposal.

8.4 <u>In Support</u>

A letter of support has been received from All Hallows By The Tower Church. The writer states the following:

- The public realm is in drastic need of upgrading;
- The proposal will deliver the much needed improvements to the public realm as well as step free access for less able residents, city workers and visitors alike; and
- The proposed building will provide a strong contribution to the area's mix of architecture

8.5 <u>In Objection</u>

Further letters of objection have been received from Cllr Marianne Fredericks (City of London Corporation – Tower Ward), Cannon Consultant Engineers on behalf of the Trinity Square Group, as well as Creekside Forum and St Olave Church. The letters raise the following concerns:

- The Trinity Square Group remain of the opinion that the proposal would detriment pedestrian safety and that on-site servicing is appropriate; and
- The proposals would have adverse effects on the settings of the numerous nearby heritage assets;

(OFFICER COMMENT: The issues have already been raised and are addressed in Section 9 of the published committee report)

In addition, Cllr Marianne Fredericks has written questioning the interpretation of a number of development plan policies within the published report. In particular, Cllr Fredericks considers that the hotel development is contrary to policy contained within the IPG City Fringe Area Action Plan (2007). (OFFICER COMMENT: Whilst the City Fringe AAP is a material consideration, it has significantly less weight than the adopted Core Strategy 2010 (which is a Development Plan Document and the most up to date policy dealing with land allocation), within which Spatial Policy 06 details that hotel uses are suitable within the Central Activities Zone. It should also be noted that the Sites and Placemaking DPD engagement document does not allocate the site for any particular use nor within the Preferred Office Location, and therefore only Core Strategy and development management policies are relevant)

8.6 <u>Procedural Issues</u>

Within the letter from Creekside Forum, a number of procedural issues are raised, as

detailed below:

- The published report does not acknowledge the impact of the proposal upon the numerous nearby heritage assets (OFFICER COMMENT: Paragraph 9.35 of the published committee report states, inter alia, that it is considered that the proposal is acceptable in heritage and conservation terms, and would protect and enhance the setting of the numerous heritage assets within close proximity of the site. The listings themselves are set out at paragraph 5.9 of the published report)
- The writer considers that English Heritage's consultation response is erroneous with reference to the extant consent on site. (OFFICER COMMENT: Officers have not carried forward this particular view to Members in the recommendation. As detailed at paragraph 8.4 of the published committee report, the current application has been considered on its individual merits despite the implementation of the previous permission)
- The writer considers that the application should not have been validated as public notices were not advertised correctly (OFFICER COMMENT: Officers consider that the validation and advertisement in East End Life undertaken upon this application complies with the Town & Country Planning (General Development Procedure) Order 1995 and the Planning (Listed Buildings and Conservation Areas) Regulations 1990 in that East End Life is a local newspaper circulating in the locality in which the land is situated)

9. MATERIAL PLANNING CONSIDERATIONS

The following corrections are made to the Analysis section of the published report, as follows:

9.1 At paragraph 9.17, it should read that the vertical metal fins are proposed to be constructed of glass reinforced concrete rather than metal. This remains to be considered acceptable in terms of conservation, design and appearance.

9.2 At paragraph 9.32, it should read: "in the setting of the WHS it is not considered that the building would be out of scale, nor in terms of the other considerations of setting of listed buildings or Conservation Areas".

9.3 Similarly, at paragraph 9.33, it should read: that it is not considered that the proposed building would harm the setting of the adjacent and nearby listed building, the Tower Conservation Area and surrounding conservation areas…"

9.4 At paragraph 9.49, it should read "the applicant has stated that they do not accept coach bookings" rather than hotel bookings.

10. RECOMMENDATION

10.1 Subject to the amendments above, the recommendation remains unchanged. Accordingly, the Committee are recommended to resolve to GRANT planning permission subject to:

A. The prior completion of a **legal agreement** to secure the following planning obligations:

Financial Contributions

a) Highways & Transportation: **£103,000**, comprising:
   - £3,000 towards monitoring the Travel Plan
   - £50,000 towards the Legible London wayfinding scheme

- £50,000 towards the Cycle Hire Scheme

b) Employment & Enterprise: Up to **£108,450 (**see contributions h & I below) towards the training and development of unemployed residents in Tower Hamlets to access either:
   - Jobs within the hotel developmental end-use phase; or
   - Jobs or training within Hospitality, Leisure, Travel & Tourism employment sectors in the final development

c) Leisure & Tourism promotion: **£54,500**; comprising:
   - £26,500 towards developing a destination map of the Borough for visitors
   - £28,000 towards business tourism promotion and implementing a programme with Visit London to promote Tower Hamlets as a business tourism destination in the UK, European and International Meeting, Incentive, Conference and Exhibition Market

Non-Financial Contributions

d) Delivery of public realm improvements and step-free access works;
e) No coach parking or drop-offs / pick-ups from Trinity Square or Coopers Row;
f) Code of Construction Practice - To mitigate against environmental impacts of construction;
g) Reasonable endeavours for 20% goods/services to be procured during the construction phase should be achieved by businesses in Tower Hamlets;
h) Reasonable endeavours for 20% of the construction phase workforce will be local residents of Tower Hamlets or a financial contribution of £30,533 to support and/or provide for training and skills needs of local residents in accessing new job opportunities in the construction phase of new development;
i) The equivalent of 20% of the workforce or 59 people residing in Tower Hamlets are given HLTT (Hospitality, Leisure, Travel & Tourism) sector related training or a financial contribution of £35,400 for the delivery of this training;
j) Access to Employment - To promote employment of local people during and post construction, including an employment and training strategy;
k) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

Total financial contribution: up to **£265,950**

10.2 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above.

10.3 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

10.4 **Conditions**

1) Permission valid for 3 years;
2) Submission of details and samples of all materials;
3) Submission of details of lift overrun;
4) Submission of details of art wall;
5) Submission of hard and soft landscaping details;
6) Submission of details of highways works;

7) Contamination;
8) Construction Management and Logistics Plan;
9) Construction Environmental Management Plan;
10) Foul and surface water drainage;
11) Monitoring and protection of ground water;
12) Archaeology;
13) Air quality assessment;
14) Evacuation plan;
15) Scheme of necessary highways improvements to be agreed (s278 agreement);
16) Piling and foundations;
17) Landscape management;
18) Ventilation and extraction;
19) Refuse and recycling;
20) Travel Plan;
21) Coach, Delivery and Service Management Plan;
22) 5% Accessible hotel rooms and 5% future proofed;
23) Access management plan;
24) Pedestrian audit;
25) BREEAM;
26) Means of access and egress for people with disabilities;
27) Hours of building works;
28) Hours of opening of terrace;
29) Hammer driven piling;
30) Noise levels and insulation;
31) Vibration;
32) Compliance with the submitted Energy Strategy;
33) Integration of Combined Heat and Power;
34) Hotel Use Only;
35) Secure by design statement;
36) Period of hotel suite occupation no longer than 90 consecutive days;
37) Approved plans; and
38) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

10.5 **Informatives**

1) Section 106 agreement required;
2) Section 278 & 72 Highways agreements required;
3) Contact Thames Water regarding installation of a non-return valve, petrol/oil-interceptors, water efficiency measures and storm flows;
4) Changes to the current licensing exemption on dewatering;
5) Contact LBTH Environmental Health;
6) Contact Environment Agency;
7) Section 61 Agreement (Control of Pollution Act 1974) required;
8) Closure of road network during Olympic and Paralympic Games
9) Contact London Fire & Emergency Planning Authority; and
10) Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

10.6 That, if by 15th December 2011, the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.