

LONDON BOROUGH OF TOWER HAMLETS

STRATEGIC DEVELOPMENT COMMITTEE

27th October 2011 at 7.00pm

UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

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Agenda item no	Reference no	Location	Proposal
6.1	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
7.1	PA/11/01278	134-140 Pennington Street & 130, 136 & 154 to 162 The Highway	Redevelopment of the site to provide a 242 room hotel (class C1), 63 serviced apartments (sui generis) and retail (class A1) building with publicly accessible courtyard together with provision of pedestrian access.

Agenda Item number:	6.1
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

- 1.1 Members should note that further to the call-in request from the Trinity Square Group reported in the addendum report on 15th September, the Department for Communities and Local Government (DCLG) have received a letter from the City of London's Planning Services and Development Director which suggests the Secretary of State may wish to call the application in. As previously advised, 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.

City of London's comments upon the application have been outlined previously within paragraph 7.12 of the report to committee on the 15th of September.

2. APPLICATION DETAILS

Drawing Numbers

- 2.1 There was an error within section 1 of the published deferral report with regard to the drawing numbers; drawing 21_241 G does not exist. Rather, it should read 21_240 G.

3. S106 LEGAL AGREEMENT

Additional Training Contribution (non-financial)

- 3.1 Following the publication of the committee report, the applicant has written to confirm that they would like to increase their obligation to ensure 20% of the final workforce are Tower Hamlets residents, to 40% (see non-financial obligation (i) within the published committee report at appendix 1). These residents will also be provided with the Employment First Training Programme, which is delivered by SEETEC. As detailed at paragraph 9.92 of the original committee report (appendix 1 to the deferral report), this course has been accepted by large LOCOG (The London Organising Committee of the Olympic and Paralympic Games) contractors such as Sodexo and Aramak as a qualified standard for new industry entrants in the Hospitality, Leisure, Travel & Tourism sector.

(OFFICER COMMENT: The obligation to ensure that 40% of the final workforce are Tower Hamlets residents can be secured via the s106 agreement).

4. ADDITIONAL CONSULTATION RESPONSE

- 4.1 Further to the publication of the main deferral report, LBTH Highways have noted that

the proposed scheme encroaches onto an area of adopted highway by way of the over-cladding of the west elevation of the Tower Hill Underground station exit hall. Accordingly, should the Committee approve the application, this area of adopted highway would need to be extinguished. LBTH Highways have raised no objection to this extinguishment and have commented as follows:

LBTH Highways do not raise an objection to the development proposals requiring an extinguishment of a section of the footway along Trinity Square under S247 of the Town and Country Planning Act, 1990. The extinguishment of this area of footway is not considered to have a detrimental impact on the pedestrian flows exiting the Tower Hill underground station, as there is sufficient footway width to accommodate pedestrian movements leaving the ticket hall onto Trinity Square.

The Applicant has ownership over the sub-soil and will be responsible for this area of land should planning permission be granted and the extinguishment processed. This instance of extinguishment should not be considered as setting precedent for other applications as each application is considered on its own merits. In addition, the Applicant's intention to provide step-free access to Tower Hill underground station is welcomed.

An additional area of adopted footway will be created further north along Trinity Square. As demonstrated within the submitted Transport Assessment, the area of footway outside the development has been analysed using the FRUIN analysis. The FRUIN analysis (recognised and used by TfL for assessing underground capacities) has demonstrated that during the hours when servicing is now proposed to take place (outside the hours of 0700-1000 and 1600-1900 inclusive) the footway along Trinity Square can accommodate the pedestrian flows and return a Level of Service 'A'. When considering FRUIN outputs, a Level of Service 'C' is often used as a performance standard for busy street at peak times with space restrictions.

5 ADDITIONAL LOCAL REPRESENTATIONS

5.1 A total of 3 further letters of representation have been received following the publication of the committee report, with 2 in objection to the proposal and 1 making a general comment.

5.2 General Comment

- The writer comments that the proposal does not include a platform hump to make the station fully step-free

(OFFICER COMMENT: Works within the Underground station such as this fall under London Underground's jurisdiction as a statutory undertaker. Nevertheless, London Underground have provided comment upon this issue, and have advised that the steep curve of the Tower Hill platform prevents the use of platform humps to provide level access. However, S Stock Trains will be introduced soon which will reduce the step height issue)

5.3 In Objection

Two further letters of objection have been received from Cllr Marianne Fredericks (City of London Corporation – Tower Ward) and Bill Ellson, the secretary of the Creekside Forum, respectively. The content of the objections are summarised and addressed in turn below:

Cllr Fredericks:

- The letter refers to a meeting of the World Heritage Committee in June 2011 where concerns were raised concerning the setting of the Tower of London World Heritage Site. Such concerns should be taken into account when considering the application (OFFICER COMMENT: As detailed within the previously published committee and addendum report on 15th September, together with the main deferral report, the potential impact on the Outstanding Universal Value of the Tower of London World Heritage Site has been assessed by English Heritage, Historic Royal Palaces as well as LBTH Officers. The height, materials, scale, bulk and design of the building is considered to respect, preserve and enhance the character and setting of the Tower of London World Heritage Site)
- The s106 sum is low in comparison to the hotel proposal on Pennington Street (item 7.1 of tonight's agenda) (OFFICER COMMENT: It would not be appropriate to draw direct comparison between the s106 agreements and both schemes have been considered independently in accordance with the Planning Obligations SPD. The contribution requests will naturally differ dependent on formula variables such as employee predictions and floorspace quantum. For example, whilst the Tower House proposal has more hotel rooms than the Pennington Street scheme, it has a significantly lower floorspace; 11,721sq.m compared to 17,439sq.m. Accordingly, whilst identical land uses on different sites may be broadly considered to require similar mitigation, it very much depends upon the proposals' characteristics and the existing site context. It should also be noted that as reported at paragraph 7.4 of the original committee report, a contribution of £607,752 towards public realm improvements was requested by the Council's Communities, Localities and Culture department. However, given 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) which in this particular case satisfies the requirement to provide an enhanced public realm and improves accessibility in the area)
- The new computer generated images of the proposal, as presented in the main deferral report, are not accurate and furthermore, demonstrate how the proposal would dominate Trinity House (OFFICER COMMENT: The additional views are verified and therefore are considered to be an accurate representation. The impact of the scheme upon nearby listed buildings is considered within the previously published committee, addendum and deferral reports)
- LBTH officers have failed to take into consideration the draft Crescent Conservation Area Character Summary & Management Strategy SPD published on October 10th 2011 (OFFICER COMMENT: Officers have reviewed the document produced by the City of London Corporation in respect of a Conservation Area within its administrative boundary and do not consider that the proposal would have an adverse impact upon the character of the Crescent Conservation Area. It is acknowledged that the proposal site abuts the boundary of the conservation area and it is noted that the draft SPD lists a number of important views and vistas at page 10. The applicant has included images of the proposal when viewed from the Crescent within the submitted Townscape, Visual Impact and Built Heritage report and it is considered that this demonstrates the proposal would not adversely impact any of these views or vistas)

Mr Bill Ellson:

- The writer refers to a meeting of the World Heritage Committee held between

the 19th and 29th of June 2011, which considered information on the state of the Tower of London World Heritage Site. At the meeting, the UNESCO committee did not add the Tower to the List of World Heritage in Danger and added several comments regarding the need to monitor the conservation of the Tower of London's setting and protection of its Outstanding Universal Value (OFFICER COMMENT: the potential impact on the Outstanding Universal Value of the Tower of London World Heritage Site has been assessed by English Heritage, Historic Royal Palaces as well as LBTH Officers. The height, materials, scale, bulk and design of the building is considered to respect, preserve and enhance the character and setting of the Tower of London World Heritage Site)

- The writer also expressed the depth and breadth of concern regarding a recent licensing application made for a temporary structure within Trinity Square Gardens that gave rise to widespread concern, particularly with regard to the listed Merchant Seaman and Mercantile Memorials contained within Trinity Square Gardens (OFFICER COMMENT: It is not considered that this is material to the determination of this planning application)
- The writer also provided a weblink to an address by the Earl of Kinnoull to the House of Lords in 1983, concerning proposals at Tower Hill Underground Station (OFFICER COMMENT: This is not considered to be relevant to the matter in hand)

5.4 Procedural Issues

Within the letter from Cllr Marianne Fredericks, a number of procedural issues are raised, as detailed below:

- The writer questions the manner in which previous representations by herself and Creekside Forum were reported within the addendum report dated 15th September (OFFICER COMMENT: It is considered that all representations upon the application have been adequately reported and addressed. Copies of all representations are available at the Committee meeting for Members to view should they wish to)
- The impact of the proposal upon the various listed buildings and conservation areas within the vicinity of the application site have not been individually assessed (OFFICER COMMENT: Officers consider that the impact of the proposal upon all relevant heritage assets has been adequately assessed)

6. **RECOMMENDATION**

6.1 In light of the number of reports that have been published with regard to this application, the suggested reasons for approval, details of the legal agreement and suggest conditions are consolidated below for ease of reference:

6.2 **Summary of Material Planning Considerations**

- 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)
- 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

6.3 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 40% of the workforce or 118 people (assuming the employment density conforms with the HCA's employment density formula) 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**

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

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

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

- 36) Approved plans; and
- 37) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

6.7 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.
- 6.8 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.

Agenda Item number:	7.1
Reference number:	PA/11/01278
Location:	134-140 Pennington Street & 130, 136 & 154 to 162 The Highway
Proposal:	Redevelopment of the site to provide a 242 room hotel (class C1), 63 serviced apartments (sui generis) and retail (class A1) building with publicly accessible courtyard together with provision of pedestrian access.

1. CORRECTION

- 1.1 The report contains various references to the Grade 1 listed building, St George-in-the-East Church. It should be noted that the correct name is St George-in-the-East and not as referenced in the report.
- 1.2 Paragraph 8.78, point 2 makes a reference to a sum of £154,000 towards public realm improvements. This should be the same amount detailed within paragraph 3.1, which is £135,000.
- 1.3 Paragraph 3.5 should have specified 20 working days rather than 20 days, to be consistent with the Planning Performance Agreement between the Council and the applicant.
- 1.4 Paragraph 1 refers to drawing numbers and two plans referenced PL-050, PL-130 and PL-131 should be deleted as it does not form part of the approval. These plans have been superseded.

2. FURTHER COMMENTS AND REPRESENTATION

- 2.1 A further representation has been received for clarification on what the financial contribution is being sought towards Heritage Improvements. As outlined in the report and to clarify, a contribution of £100,000 has been secured directly towards the improvements to the Grade I listed building St George-in-the-East Church. In addition, there would be opportunities for the amount secured towards open space and leisure (£238,000) to be directed towards the St George's Gardens as the Gardens are identified in the Council's Open Space Strategy. To identify how the funding can be spent on St George's Gardens, due process through the Planning Contribution Overview Panel.
- 2.2 Further comments from the GLA was received in relation to the revised proposal following the issue of Stage I response. The GLA states that the height difference between the hotel and the adjacent Tobacco Dock should be addressed. As detailed in paragraph 8.15 of the main report, the officers remain the view that the relationship between the two buildings is satisfactory.
- 2.3 The GLA also commented on the accessibility throughout the application site and the detailed design of the ramp. The applicant has submitted a scope for Access Management Strategy and it details signage and way-finding to ensure that accessible routes are clear and legible. A detailed Access Management Strategy and details of the access ramp are also proposed to be conditioned.

3. RECOMMENDATION

- 3.1 The officer recommendation remains unchanged and planning permission should be GRANTED for the reasons outlined in the main report.