



Mr Simon Ryan
Development and Renewal Department
London Borough of Tower Hamlets
Town Hall
Mulberry Place
5 Clove Crescent
E14 2BG

your ref
our ref CQS.52206.1
direct dial 020 7423 8283
email csutton@trowers.com
date 23 December 2011

By special delivery

Dear Sirs

**Trinity Square Group – Site at Tower House, 38-40 Trinity Square, London EC3N 4DJ
Planning application reference PA/11/00163**

As you will be aware from previous correspondence in this matter, we act for the Trinity Square Group.

We refer to the letters dated 4 December and 11 December 2011 sent to you by Mr Bill Ellson in this matter, copies of which are enclosed. These letters discussed two issues relevant to the above planning application, being the omission of consideration by the Council of the relevant draft Supplementary Planning Guidance 'London World Heritage Sites – Guidance on Settings' (the draft SPG) and the issue concerning severely curved platforms at Tower Hill underground station.

Regardless of any other steps that our client may take, the Council should it proceed to grant planning permission without the above two issues returning to the Council's Strategic Development Committee for further consideration would in our view constitute maladministration.

When the matter returns to Committee proper consideration should be given to the draft SPG and it also has to be clear that it is the decision of the elected members as to what weight is accorded to the draft SPG in making its determination.

Regarding the issue concerning the severely curved platforms at Tower Hill underground station, as discussed in Mr Ellson's letter of 11 December 2011 there are concerns regarding the safety and accessibility at the station. Further, we note that on 26 October 2011 Lianna Etkind of Transport for London (TfL) emailed you noting that the proposal did not include a 'platform hump' and claimed that the provision of such a hump "would make the development fully step-free and accessible to all wheelchair users". A further email from Aaliyah Jaffer at TfL the same day stated:

"The platform at Tower Hill is severely curved, which presents particular accessibility challenges and prevents us from using a platform hump to provide level access. S stock trains will be

L O N D O N M A N C H E S T E R E X E T E R A B U D H A B I B A H R A I N C A I R O D U B A I O M A N

Trowers & Hamlin LLP DX 774 Lon/City
Sceptre Court t +44 (0)20 7423 8000
40 Tower Hill f +44 (0)20 7423 8001
London
EC3N 4DX www.trowers.com

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introduced soon which will reduce the step height issue and the overall accessibility concerns to an extent."

We enclose a copy of the above email correspondence with TfL. We note that this comment from TfL failed to either find its way into the Committee papers, nor is it apparent based on the Committee papers that there was any attempt by the Council to establish the true facts regarding this issue. Although this comment is not an 'objection', in all the circumstances we consider that the Council should have looked further into this issue, as there was obvious potential for councillors at the Committee to misunderstand what was actually being proposed.

We would appreciate receiving the Council's response as to whether in light of the above two issues, the planning application will be referred back to Committee for further consideration before proceeding to grant planning permission.

Yours faithfully

Enc 3

CREEKSIDE FORUM
Unit 2, Victoria Wharf
Grove Street
LONDON
SE8 3QQ

4 December 2011

Simon Ryan
LBTH Planning Department
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
LONDON
E14 2BE

Dear Mr Ryan,

Tower House, 38-40 Trinity Square, London EC3N 4DJ
Ref No: PA/11/00163

Further to our recent correspondence we note that on 31ST October 2011 the Greater London Authority published draft Supplementary Planning Guidance entitled '*London World Heritage Sites – Guidance on Settings*¹'. As an emerging part of the Development Plan for the London Borough of Tower Hamlets this document is of indisputable relevance to CitizenM's application for planning permission.

This will yet again necessitate the matter going before the Strategic Development Committee.

How much weight it should be accorded, as a *draft* or *emerging* document, is open to argument, but the decision (as to how much weight it should be accorded in relation to the application) lies with elected members. Whilst it will be perfectly proper for you to offer advice the decision will be that of the said elected members. We are of the opinion that very considerable weight should be given to the document.

Much of the document is established good practice, but chapters 4 & 5 explicitly require a radically different approach to that taken by Tower Hamlets in assessing CitizenM's application and presenting information to councillors. Two things that are particularly striking are firstly the need to assess planning proposals with regard to how they may affect the setting in winter, as well as in summer when all the trees have leaves on them (see p45) and secondly the express requirement set out in the Assessment Framework to identify, describe and analyse not only the other [individual] heritage assets within the setting, but properly assess the potential effect of proposed developments on them collectively See pp51-53, but particularly paragraph 5.11, which states:

¹ <http://www.london.gov.uk/consultation/world-heritage-sites-spg>

The assessment should set out clearly the description of individual and /or groups of heritage assets and set out their individual and/or collective condition, importance, inter-relationship, sensitivity and possibly, if there are considered of significant value, an indication of their capacity for change.

The phrase “individual and /or groups of heritage assets” holds particular resonance in regard to Trinity Square Gardens (A protected or London square) and the two Merchant Navy Memorials (both listed) situate within the square. All three elements are individually important *heritage assets* in themselves, but *in addition* are important as a group. That means identifying, describing and analysing the three elements both individually and collectively.

Turning to practicalities, saved UDP policy DEV34 states:

DEVELOPMENT PROPOSALS ADJACENT TO, OR IN THE IMMEDIATE APPROACHES TO A SQUARE, ARE TO BE OF APPROPRIATE LAYOUT, FORM, HEIGHT, BULK AND DETAILING TO MAINTAIN THE CHARACTER OF THE SQUARE.

Justification: 5.54 There are 16 Squares in Tower Hamlets protected by the London Squares Preservation Act 1931. While this Act protects the Squares against above ground development, there is no protection against demolition of surrounding buildings (unless the square is also a Conservation Area) nor does it enable special controls on visually unsympathetic development nearby. The Council will use its planning powers to supplement the controls provided by the Act so that the distinctive character of the Squares can be maintained. The Squares are shown on the Proposals Map.

And 2011 London Plan policy 7.4 states:

LOCAL CHARACTER - Planning decisions

B. Buildings, streets and open spaces should provide a high quality design response that:

- a.** has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass
- b.** contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area
- c.** is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings
- d.** allows existing buildings and structures that make a positive contribution to the a positive contribution to the character of a place to influence the future character of the area
- e** is informed by the surrounding historic environment.

Plainly both the memorials are part of the character of the square, so DEV34 and London Plan 7.4 apply to them individually, but the extra question posed by the draft SPG is that when the memorials are taken together with Trinity Square Gardens is the resulting ensemble more important. We would answer that question very much in the affirmative.

With regard to the question of the screening effect of trees, obviously the applicants will have to provide new photomontages before the matter returns to committee.

We shall be copying this letter to Mr John Pierce at the Department for Communities and Local Government, Mrs Annie Hampson at the Corporation of London, Miss Marianne Fredericks CC and Trowers & Hamlyns solicitors for Trinity Square Group.

Yours sincerely

Bill Ellson
Secretary

CREEKSIDE FORUM
Unit 2, Victoria Wharf
Grove Street
LONDON
SE8 3QQ

11TH December 2011

Simon Ryan
LBTH Planning Department
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
LONDON
E14 2BE

Dear Mr Ryan,

Tower House, 38-40 Trinity Square, London EC3N 4DJ
Ref No: PA/11/00163

Further to our letter of 4 December 2011 it has come to our notice that the public benefit of installing lift shaft overruns at Tower Hill Underground Station have been greatly overstated and as a consequence elected members sitting on the Strategic Development Committee have been grossly misled.

Mind the Gap

Contrary to what elected members have been led to believe, wheelchair users will not be able to safely access District & Circle Line trains at the station. The extent of disabled access problems at the station are set out in legal papers submitted by London Underground Limited to, and published by, the Department for Transport seeking an exemption in regard to Tower Hill (and other District Line stations) from the relevant Disability legislation.

All three platforms at Tower Hill are classed as 'severely curved'. This means that although when the new 'S' stock is introduced on the District & Circle lines the difference in height between platform will be reduced the horizontal gap (technically known as throw) will remain. It will simply not be safe for wheelchair users to attempt to board or get off trains at the station.

For the reasons set out in our letter of 4 December the applicants will have to submit further information before this matter can go back to committee. We note that the Transport Assessment filed with the planning application only addresses the hotel part of the application and does not deal with the access to the Underground. Clarification on accessibility is needed and you should require the applicants to submit a report detailing what tangible benefits the provision of lift shafts would bring over what timescale. At paragraph 9.37 of your report to committee dated 15 September 2011

(page 53 on 28 Nov) you stated “Currently the nearest step-free access station is Westminster or West Ham on either end of the District line.” Subsequently the Committee were given an audio-visual presentation that included a slide that showed an Underground Map including symbols showing both those stations as fully wheelchair accessible and led to believe that if they approved the application then Tower Hill would be also be fully wheelchair accessible. The next paragraph (9.38) of said report quotes a comment from London Underground “*“[The proposed step free access works] presents a real opportunity to upgrade the station to eventually achieve a complete step free access solution.”* & *“Approval of this development will enable provision for future step free interchange...”* **The future can be a very long time, when (and if) it eventually arrives.**

Attached Documents

The documents were submitted to the Department for Transport by London Underground Limited in connection with the introduction of ‘S’ stock trains on the District & Circle Lines. Because of accessibility issues an exemption is needed under the Rail Vehicle Accessibility (Non-Interoperability Rail System) Regulations 2010 (“RVAR 10”).

The document ‘application-introduction’ is what it says it is, but ‘bording’ is the crucial document. London Underground sought an ‘*Untimed Temporary Exemption*’ from the regulations at Tower Hill “**until such time as an appropriate solution is identified for severely curved platform**” in regard of all three platforms pp7 & 8. In that there are timed exemptions sought up until December 2017, it is reasonable to conclude that there is no realistic prospect of Tower Hill being fully accessible in the short to medium long term.

This does not however mean that there is any realistic prospect of Tower Hill station being fully accessible in the medium to long term. At page 21 of ‘bording’ the various attempted solutions for severely curved platforms are set out but the conclusion is bleak “**Therefore, there is no current viable solution within LU for severely curved platforms.**”

We shall be copying this letter to Mr John Pierce at the Department for Communities and Local Government, Mrs Annie Hampson at the Corporation of London, Miss Marianne Fredericks CC and Trowers & Hamlyns solicitors for Trinity Square Group.

Yours sincerely

Bill Ellson
Secretary