

<b>Committee:</b> Strategic Development	<b>Date:</b> 1st March 2012	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.1
<b>Report of:</b> Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Simon Ryan		<b>Ref No:</b> PA/11/00163	
		<b>Ward:</b> St Katharine's and Wapping	

## 1. APPLICATION DETAILS

<b>Location:</b>	Tower House, 38-40 Trinity Square, London EC3N 4DJ
<b>Existing Use:</b>	Vacant construction site and Tower Hill Underground station ticket hall
<b>Proposal:</b>	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
<b>Drawing Nos/Documents:</b>	<ul style="list-style-type: none"> <li>• 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_240 G, 21_401 C, 21_405 C, 21_406 B, 79_203, 79_413 D, 90_206 C and 90_252 A</li> <li>• Design and Access Statement</li> <li>• Design and Access Statement Addendum (incorporating public realm and landscaping works) dated June 2011</li> <li>• Impact Statement dated January 2011</li> <li>• Archaeological Assessment dated September 2002</li> <li>• Townscape, Visual Impact and Built Heritage Report</li> </ul>
<b>Applicant:</b>	CitizenM Hotels
<b>Ownership:</b>	Various, including London Underground Ltd, TfL, Historic Royal Palaces, The Corporation of London, Tower Hill Improvement Trust, DEFRA and EDF
<b>Historic Building:</b>	No – however there are numerous listed buildings within the vicinity of the application site, including 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. Please see paragraph 9.12 for a full list of the heritage assets in close proximity of the application site

**Conservation Area:** The Tower Conservation Area

## **2. BACKGROUND**

- 2.1 The application was previously heard at the Strategic Development Committee meetings of 15<sup>th</sup> September and 27<sup>th</sup> of October 2011, with the application being deferred on both occasions. At the following meeting held on 28<sup>th</sup> November 2011, the Committee resolved that planning permission be granted, subject to the prior completion of a s106 agreement.
- 2.2 Following the resolution to grant planning permission, representations were sent to the Council concerning the content of the reports to Committee. In particular, the writers were concerned with regard to the omission of the Mayor of London's 'Draft Supplementary Planning Guidance: London World Heritage Sites – Guidance on Settings', which was published for consultation on 31<sup>st</sup> October 2011. This document is a material consideration to be taken into account in the determination of the application.
- 2.3 Accordingly, the application remains to be determined and is before the Committee tonight for Member's consideration. Together with the abovementioned draft guidance, this report also takes into account material considerations which have arisen since the Strategic Development Committee last considered the application on 28<sup>th</sup> November 2011 and which include additional emerging guidance as well as additional representations received.
- 2.4 It is considered that the additional considerations identified in this report should not cause members to reach a different decision to that contained in the resolution to grant planning permission subject to the applicant entering into a planning obligation under section 106 of the Town and Country Planning Act 1990 which was passed at the Committee's meeting on 28<sup>th</sup> November 2011.
- 2.5 For a more detailed history of the application, please see section 2 of the deferral report to the Strategic Development Committee meeting of 28<sup>th</sup> November 2011, as attached at **Appendix 5**.

## **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 EMP3 and CAZ1 of the Council's Unitary Development Plan (1998), policies SP06 and SP12 of the Core Strategy Local Development Framework (2010), policies DM1 and DM7 of the draft Managing Development DPD (Proposed Submission Version January 2012) 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), policies DM1 and DM15 of the draft Managing Development DPD (Proposed Submission Version January 2012) 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 protected London Square, listed buildings and the adjacent Scheduled Ancient Monument. As such, the proposal is in accordance with Planning Policy Statement 5, policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan (2011) and the draft London World Heritage Sites – Guidance on Settings SPG (2011), as saved policies DEV1 and DEV34 of the LBTH UDP (1998), policies DEV2, CON1, CON2 and CFR18 of the Interim Planning Guidance (2007), policies SP10 and SP12 of the Core Strategy Development Plan Document (2010) and policies DM24, DM26, DM27 and DM28 of the draft Managing Development DPD (Proposed Submission Version January 2012), which seek to protect the character, appearance and setting of heritage assets and the historic environment, including World Heritage Sites. 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), policy SP10 of the Core Strategy Development Plan Document (2010) and policies DM26 and DM28 of the draft Managing Development DPD (Proposed Submission Version January 2012) 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 proposed development and associated public realm is considered to be inclusive and is also considered to improve the permeability and legibility of the immediate area. As such, the proposal 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), policy DM23 of the draft Managing Development DPD (Proposed Submission Version January 2012) 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), policy DM25 of the draft Managing Development DPD (Proposed Submission Version January 2012) 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), policy DM20, DM21 and DM22 of the draft Managing Development DPD (Proposed Submission Version January 2012) 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), policy DM29 of the draft Managing Development DPD (Proposed Submission Version January 2012) 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), the Planning Obligations SPD (2012) 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 **A.** That it is recommended that the Committee GRANT planning permission subject to the previously proposed s106 package, as follows:

### 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 obligations

- 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) 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**

4.2 **B.** That the Committee note that the section 106 agreement which the Applicant has indicated that it will enter into includes additional contributions and obligations as detailed in paragraphs 5.6 to 5.8 of the report presented to the 28<sup>th</sup> November 2011 meeting of the Committee (“the Additional Contributions and Obligations”). The Additional Contributions and Obligations are as follows:

- A contribution of £121,500 to be devoted to Skillsmatch for the training and development of 50% of the expected final workforce (45 people x £2,700 per person) to Tower Hamlets residents to access jobs within the hotel development end-use phase or jobs or training within employment sectors in the final development
- An obligation to use reasonable endeavours to ensure that 20% of the final end-use workforce (18 people) to be Tower Hamlets residents and to be provided with full-time employment within the hotel for a minimum period of 12 months following completion of the training

Total financial contribution: up to **£344,933**

4.3 It is considered that the proposed planning obligations identified at (A) above are:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

And that they constitute reasons to grant planning permission and should be taken into account when determining the planning application.

4.4 As explained at paragraph 5.8 of the November Committee Report it is considered that the proposed Additional Contributions and Obligations identified at (B) above are not:

- (a) necessary to make the development acceptable in planning terms;

and that they do not constitute reasons to grant planning permission and should not be taken into account when determining the planning application.

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

### **Conditions and Informatives**

4.6 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 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) Impact statement, monitoring and protection of ground water;
  - 11) Contamination – investigation and remediation
  - 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) Waste Reduction Management Plan including 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) Submission of revised Energy Strategy demonstrating reductions of 35% beyond the CO2 emission reduction standards as set out in the Building Regulations 2010
  - 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
- Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

## **Informatives**

- 4.7
- 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 Paralympics Games
  - 9) Contact London Fire & Emergency Planning Authority; and
- Any other informative(s) considered necessary by the Corporate Director Development & Renewal.
- 4.8 That, if by 1<sup>st</sup> June 2012, the legal agreement has not been completed; the Corporate Director of Development & Renewal is delegated power to refuse planning permission.

## **5. UPDATES**

- 5.1 Further to the Strategic Development Committee meeting of 28<sup>th</sup> November 2011, the following matters have arisen:

## Call-In Request to the Secretary of State

- 5.2 As previously reported to Members at paragraph 1 of the addendum report to the 15<sup>th</sup> September SDC meeting (attached at **Appendix 2**), the Department for Communities and Local Government (DCLG) received a request from the Trinity Square Group for this application to be called-in for determination by the Secretary of State under section 77 of the Town and Country Planning Act 1990 (as amended).
- 5.3 On 19<sup>th</sup> December 2011, the Department of Communities and Local Government (DCLG) wrote to the Council advising that the Secretary of State would not call the application in for his own determination. In particular, DCLG advise that:

*“The application involved consideration of a number of national policy matters as well as impact on a World Heritage Site and raises issues in terms of possible conflicts with sustainable development and promoting high quality inclusive design. Whilst it is accepted that there is potential conflict with aspects of national policy, the Secretary of State has concluded that, on balance, intervention would not be justified as there is not sufficient conflict, or any other reason, to warrant calling in the application for his own determination. The Secretary of State will leave the decision on whether or not to grant planning permission in this case to the London Borough of Tower Hamlets”*

## Environmental Impact Assessment - Screening Direction

- 5.4 As previously reported to Members at paragraph 3.2 of the deferral report to the SDC meeting of 28<sup>th</sup> November (attached at **Appendix 5**), the Department of Communities and Local Government (DCLG) contacted the Council to advise that the Trinity Square Group had requested the Secretary of State to issue a screening direction upon the proposed development. This request is on the grounds that Trinity Square Group believe that the application should be subject to Environmental Impact Assessment (EIA) by virtue of its sensitive location.
- 5.5 Further to the above request, DCLG confirmed in writing on 13<sup>th</sup> January 2012 that proposal is not EIA development and that Environmental Impact Assessment is not required. In particular, it was stated that:

*“In the opinion of the Secretary of State and having taking into account the selection criteria in Schedule 3 to the 2011 [EIA] Regulations, the proposal would not be likely to have significant effects on the environment. The Secretary of State recognises fully the historic and cultural importance of the adjacent Grade II listed buildings, the Grade I listed Roman Wall and Trinity House and the proposed development’s proximity to the Tower of London World Heritage Site. He has also considered the proposal’s location within the Tower Conservation Area and close proximity to the Crescent Conservation Area. The Secretary of State is satisfied, however, that the impact of the proposals, which he considers has been improved due to the intention to use Portland Stone on the principal facades, would not be of sufficient magnitude to be likely to have a significant effect on the environment. Therefore the development would not require EIA”*

## **6. POLICY FRAMEWORK - UPDATES**

- 6.1 Further to the policies and guidance listed at paragraphs 6.2 to 6.10 of the report to SDC on 15<sup>th</sup> September 2011 (attached at **Appendix 1**), the following draft policies are also a material consideration and should therefore be taken into consideration:

### **Managing Development DPD (Proposed Submission Version January 2012)**

6.2	<u>Policy</u>	<u>Title</u>
	DM1	Development within the town centre hierarchy
	DM7	Short stay accommodation
	DM9	Improving air quality
	DM10	Delivering open space
	DM13	Sustainable drainage
	DM14	Managing waste
	DM15	Local jobs creation and investment
	DM20	Supporting a sustainable transport network
	DM21	Sustainable transportation of freight
	DM22	Parking
	DM23	Streets and the public realm
	DM24	Place-sensitive design
	DM25	Amenity
	DM26	Building heights
	DM27	Heritage and the historic environment
	DM28	World Heritage Sites
	DM29	Achieving a zero carbon borough and addressing climate change
	DM30	Contaminated land

**London Plan – Draft Supplementary Planning Guidance**

6.3 Draft SPG: London World Heritage Sites – Guidance on Settings (31<sup>st</sup> October 2011)

6.4 Furthermore, it is considered that the following development plan policy is also relevant (in addition to those identified in previous committee reports) and has been taken into account within the summary of material planning considerations, as detailed above at paragraph 3.1 of this report:

**Unitary Development Plan 1998 (as saved September 2007)**

6.5	<u>Policy</u>	<u>Title</u>
	DEV34	London Squares

**7. REPRESENTATIONS**

7.1 Following the Strategic Development Committee meeting of 28<sup>th</sup> of November 2011, two further letters of representation were received from Creekside Forum, two further letters on behalf of the Trinity Square Group referencing the aforementioned correspondence from Creekside Forum, together with a letter from Trinity Square Group’s legal representatives, Trowers & Hamblins. Copies of the letters received attached to this report at Appendix 8. The letters raise the following issues:

- The omission of reference to and consideration of the draft London Plan SPG ‘London World Heritage Sites – Guidance on Settings’ from previous reports to the Strategic Development Committee;
- The extent to which the provision of step free access to Tower Hill underground station will be of benefit to wheelchair, and in particular, consideration of whether users will be able to safely access trains within Tower Hill Underground station by virtue of the platforms being severely curved, thereby preventing access on to trains by wheelchair users and reducing the benefit of the proposed step free access arrangements



## 8. CONSULTATION RESPONSE

### Transport for London (London Underground)

- 8.1 With regard to the abovementioned representation concerning the level of accessibility to and within Tower Hill Underground station, Transport for London have responded in a letter dated 3<sup>rd</sup> February 2012 which is attached to this report as Appendix .. London Underground's letter includes the following::

*“Tower Hill is a busy station, ranked 22<sup>nd</sup> in terms of entries and exits (nearly 22 million people per annum). The station has a high tourist market segment (9% compared to 3% network average)... Therefore a variety of users will benefit from the station becoming accessible including passengers with luggage, parents with pushchairs, passengers with reduced mobility and disabled persons. Approx 200,000 new trips will be generated per annum if Tower Hill were to become accessible.*

*“London Underground is fully aware that for wheelchair users, the step and gap between the train and the platform is a barrier to using the tube. This is why LU has pioneered the use of, and has won awards for the installation of ‘level access boarding points’ on platforms known as Platform Humps. These allow wheelchair users to board regulated trains at designated doorways which align with wheelchair spaces.*

*“The new trains which will be introduced on the District and Circle lines are also RVAR regulated. The vehicles have been designed with a ‘low floor’ which means they are typically 150mm lower than the current trains and because of this design, platform humps are not required. However to ensure the step and gap meets the requirements of RVAR (maximum step of 50mm and gap of 75mm) platform edge adjustments have been made on a number of platforms and will be made on all of those sites agreed with by the DfT in our exemption application.*

*“As Bill Ellson has pointed out, the S7 S-stock RVAR exemption application requests an exemption for Tower Hill on the basis of the severe curvature of the platform. This curvature makes it physically impossible to achieve the level access RVAR tolerance. In short the train would strike the platform if we tried to modify it to achieve the dimensions. Further details are available in the application.*

*“...LU estimate that the step and gap will change as follows:*

- From a step of 120mm and a gap of 96mm with current trains; to*
- A step of 0mm and a gap of approx 150mm with new trains*

*The significant reduction of the step will make it easier for wheelchair users to board the train either independently, if the user is able to do so, or with staff assistance (e.g. steadying the wheelchair during boarding, much as a pushchair user does with a pushchair).*

*“Whilst the horizontal gap increases by virtue of longer car length, a large portion of passengers who travel in manual wheelchairs will benefit by the removal of the step which is the more significant obstacle.*

*“Therefore LU believes that:*

- Some wheelchair users, particularly manual wheelchair users will be able to manage the step and gap which will be provided once the new trains are in service from 2014*
- Some wheelchair users will be able to manage the step and gap with assistance from a member of staff, e.g. by steadying the back of the*

*wheelchair*

- *Some wheelchair users will require the use of a boarding aid (Manual Boarding Ramp)*

*“None of these groups of users will be able to access Tower Hill without step-free access and wider landscaping being provided as part of this planning application, since there is more than 30 steps between the street and platform and steps to access DLR and the Tower of London. In addition, many other users will continue to find it difficult to access Tower Hill because of the steps including older people, children, parents with pushchairs, customers with luggage and other disabled people who use lifts.”*

8.2 With particular regard to the application proposal, TfL also comment:

*“With the Developers planning application approved and the civil structures for the Step Free Access scheme being completed by the Developer, LU will be able to commission and fit out the lifts, providing a scheme that delivers value for money and step free access from platform to street by 2013/14. From this point forward passengers will also realise the wider interchange benefits from this scheme as they will be able to access Tower Hill tube station, Tower Gateway (DLR), Fenchurch Street (National Rail) and Tower of London”.*

## **9. ANALYSIS**

As detailed within the summary of material planning considerations at paragraph 3.1, it is considered that the proposal remains in accordance with the relevant development plan policies. Moreover, it is considered that the proposal also accords with the emerging policy framework, as detailed at section 6 of this report, as discussed below:

### **Policy Framework - Updates**

#### Managing Development DPD

9.1 The Council's proposed submission version of the Managing Development DPD is now out for the 'Call for Representations' - a statutory period public consultation period which will run from the 23 January to 9 March 2012. The document upon which representations are invited includes a number of minor amendments which were made following the December 2011 Cabinet meeting at which the draft was considered. The minor changes include changes to policies DM14 and DM26. Notwithstanding the document's present limited weight, it is nevertheless a material consideration.

9.2 The Managing Development DPD policies listed above at paragraph 6.2 are relevant to the application proposal. Notwithstanding the limited weight of the document at present, it is considered that the proposal accords with the aims and objectives of these policies. In particular:

#### *Land Use*

9.3 Policy DM1 promotes the continued enhancement of the Central Activities Zone (CAZ). Policy DM7 states that the development of visitor accommodation will be supported in the locations identified in the Core Strategy (such as the CAZ), subject to the size being proportionate within the town centre hierarchy; there being demonstrable need; the proposal not compromising housing delivery targets; the proposal not creating an over-concentration of hotels or causing harm to residential amenity and there being adequate road access and servicing.

9.4 The site is located within the CAZ and is not identified for housing development.

Furthermore, the size of the hotel development is considered to be appropriate for its location within the borough's town centre hierarchy (being located within the CAZ). As detailed within policy 4.5 of the London Plan (2011), 40,000 net additional hotel bedrooms in London are targeted by 2031, with the CAZ being a priority location. The applicant has also submitted a hotel demand statement which demonstrates that there is a shortfall of hotel bedrooms in the borough whilst the area in which the proposed hotel development is situated is a strong destination for business demand and an emerging destination from leisure demand. As such, it is considered that there is a demonstrable need for the proposal and, furthermore, it is considered that the specific application site is a sustainable location given its accessibility and proximity to major tourist attractions. Whilst it is acknowledged that there are existing hotels within close proximity, it is not considered that the proposal would give rise to an overconcentration or cause harm to residential amenity (amenity is discussed further below and within the report at appendix 1). Lastly, it is also considered that the proposal would benefit from adequate road access and servicing, as discussed within the analysis of the highways and transportation issues at section 9 of the report to Strategic Development Committee on 15<sup>th</sup> September 2011 (attached at **Appendix 1**).

As such, it is considered that the proposal accords with the abovementioned policy.

### *Employment*

- 9.5 Policy DM15 seeks local job creation. As detailed at paragraphs 9.7 to 9.10 of the report to SDC on 15<sup>th</sup> September 2011 (Appendix 1), on balance, the proposal is justified in terms of the resultant level of employment.

### *Design*

- 9.6 Core Strategy policy SP09 provides the basis for delivering well-designed, high-quality and durable public realm. Policy DM23 sets out how development can positively contribute to the borough's streets and public realm and specifically, it provides guidance for improving connectivity, improving safety and security and specific elements which contribute to the public realm. Policy DM10 requires development to provide or contribute to the delivery of an improved network of open spaces. As detailed within the appended previous reports, it is considered that the proposed public realm improvements and integrated step free access works would enhance connectivity within the area, as well as the security and overall quality of the public realm. Conditions have been recommended to agree final details of the materials, secure by design measures and landscaping details.
- 9.7 Core Strategy Policy SP10 sets out the basis for ensuring that buildings promote good design principles. Policy DM24 provides further details on key elements of good design that should be considered at all scales of development. As detailed within the appended reports to the previous meetings of the Committee, it is considered that the proposed design, by virtue of its scale, height, form and materials, is sensitive to the local character whilst creatively responding to the historic context and enhancing the setting of the numerous heritage assets around the site which are of positive value to the area. Furthermore, as discussed below and within the previous reports to committee (appended), The applicant has also submitted an Impact Statement which adequately demonstrates that the proposal would not have any adverse microclimate impacts.
- 9.8 Policy DM26 provides criteria which proposals for tall buildings are required to satisfy. In light of the analysis undertaken within this report and those previously presented to the Strategic Development Committee, it is considered that the proposal satisfies both criteria 1 and criteria 2 (a-l) of policy DM26.
- 9.9 Accordingly, it is considered that the design of the proposal satisfies policies DM23, DM24

and DM26. With regard to Policy DM10, as detailed at paragraph 9.93 of the report to SDC on 15<sup>th</sup> September 2011 (appendix 1), LBTH Communities, Localities and Culture requested a contribution towards public realm works, based on the formula detailed within the [then] draft Planning Obligations SPD. However, given the extensive public realm works and step free access provision proposed by the application, it is considered that the proposal provides sufficient benefit to improving connectivity between open spaces in this area of the borough.

### *Heritage and Conservation*

- 9.10 Core Strategy policy SP10 identifies the range of Heritage Assets that exist in the borough and their contribution to the character, history and heritage of Tower Hamlets. Policy DM27 provides more detailed assessment criteria to ensure that these assets are protected and enhanced by any development proposal that directly impacts on their setting and significance. The application site is located within a heritage asset, namely the Tower Conservation Area and as such criteria 1 and 2 of policy DM27 are directly applicable to the proposal. In light of the analysis of the heritage and conservation impacts of the proposal undertaken within the previous reports to committee (as appended), it is considered that the proposal complies with criteria 1 and 2 of policy DM27.
- 9.11 Policy DM28 has specific regard to World Heritage Sites and provides detail to ensure development proposals enhance them, their settings and views to and from them. The policy requires development proposals to demonstrate that they respect, conserve and preserve the Outstanding Universal Value of the World Heritage Site. Furthermore, the policy expects proposals within the vicinity of the Tower of London to demonstrate how they will improve local access routes, including signage and wayfinding, to the Tower from the development site. Paragraph 28.3 of the draft Managing Development DPD requires proposals to comply with all relevant guidance prepared to manage the impacts of developments in and around World Heritage Sites. These documents are as follows:
- English Heritage: The Setting of Heritage Assets (October 2011)
  - HRP Tower of London World Heritage Site Management Plan (2007)
  - WHS Tower of London World Heritage Site Local Setting Study (2010)
  - LBTH The Tower Conservation Area Appraisal and Management Plan (2008)
- 9.12 As detailed within the appended reports, it is considered that the height, materials, scale, bulk and design of the building is acceptable and is considered to respect, preserve and enhance the Outstanding Universal Value of the Tower of London World Heritage Site together with the character and setting of the Tower Conservation Area and nearby Trinity Square Conservation Area, Crescent Conservation Area, Lloyds Avenue Conservation Area and Fenchurch Street Conservation Area, the adjacent protected London Square, the adjacent Roman Wall Scheduled Ancient Monument and the following listed buildings:
- 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 House;
  - 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, (as well as a World Heritage Site and a Scheduled Monument)

Furthermore, the proposal incorporates an improved public realm which improves access from the application site and Tower Hill Underground station to the Tower of London. The applicant has also agreed to provide a financial contribution towards the Legible London wayfinding strategy.

- 9.13 In light of the above and the support from Historic Royal Palaces together with the lack of objection from English Heritage, it is considered that the proposal has taken into account all relevant guidance (as listed at paragraph 9.11) and satisfies the requirements of policies DM27 and DM28. Furthermore it is considered that the proposal complies with criterion (e) of policy DM26, which requires proposals for tall buildings to not adversely impact on heritage assets, their setting or strategic and local views, including their settings and backdrops.

#### *Transportation and Highways*

- 9.14 Policy DM20 requires new development to demonstrate that it is integrated with the transport network and to contribute towards new transport infrastructure and improvements where necessary. Policy DM21 promotes the sustainable transport of freight, whilst policy DM22 seeks adherence to parking standards.
- 9.15 The site has a PTAL rating of 6 (excellent) and is located adjacent to a public transport hub. As detailed within the appended reports, neither the LBTH Highways department or TfL consider that the proposal would have a detrimental impact upon the safe operation of the highway or pedestrian movement. Accordingly, subject to the suggested conditions and non-financial obligations relating to coach parking, it is considered that the proposal accords with the aforementioned policies.

#### *Amenity*

- 9.16 Policy DM25 builds upon policy SP10 of the Core Strategy by providing further detail on the amenity requirements that developments need to comply with. As set out at paragraphs 9.62 to 9.74 of the report to SDC on 15<sup>th</sup> September 2011 (appendix 1), it is not considered that the proposal would give rise to any unduly detrimental amenity impacts upon surrounding residents and building occupants or the surrounding public realm.

#### *Energy Efficiency and Sustainability*

- 9.17 Policy DM29 requires development to demonstrate a 35% reduction beyond the CO<sub>2</sub> emission reduction standards as set out in the Building Regulations 2010. As detailed at paragraph 9.79 of the report to SDC on 15<sup>th</sup> September 2011 (appendix 1), the proposal achieves an overall 56.7% reduction in CO<sub>2</sub> emissions above the 2006 Building Regulations 2006 Part L standards. This equates to approximately 32% above the 2010 standards. Whilst this is marginally below policy DM29's requirement of a 35% reduction, in light of the limited weight of the policy and adopted London Plan (2011) policy 5.3 targeting a 25% reduction, it is considered that the proposal is acceptable. Nevertheless, the applicant has agreed to a condition being attached to require compliance with policy DM29's target of a 35% reduction.

#### *Other Issues*

- 9.18 Draft policy DM9 requires major development to submit an Air Quality Assessment demonstrating how it will prevent or reduce associated air pollution. As detailed at paragraph 9.68 of the report to SDC on 15<sup>th</sup> September 2011 (appendix 1), the application is supported by an Air Quality Assessment scoping document within the submitted Impact Statement which is considered to be acceptable. A condition has been attached requiring

the submission of a Construction Environmental Management Plan prior to commencement, which will enable the Council to ensure air pollution is prevented or reduced during construction.

- 9.19 Policy DM13 requires development to minimise water usage, runoff and discharge from the site, through the use of appropriate water reuse and Sustainable Urban Drainage techniques. Thames Water have not objected to the proposal, subject to the attachment of conditions. As detailed at paragraph 4.5 of this report, conditions have been attached accordingly, requiring the submission and agreement of details of drainage and water supply impact. It is therefore considered that the proposal accords with draft policy DM13.
- 9.20 Policy DM14 requires development to demonstrate how it will provide appropriate storage facilities for residual waste and recycling and also provide a Waste Reduction Management Plan. The proposal incorporates refuse storage at ground floor level and appropriate conditions have been attached requiring the submission of the aforementioned Waste Reduction Management Plan as well as a Delivery & Servicing Plan. It is considered that the proposal satisfies the aforementioned policy.
- 9.21 Policy DM30 refers to contaminated land and requires a site investigation (and remediation proposals agreed where necessary) for development proposals on potentially contaminated land. A condition requiring the submission of details of site investigation and remediation measures have been attached, as detailed at paragraph 4.1 above. Accordingly, it is considered that the proposal accords with policy DM30.

London Plan Draft SPG: 'London World Heritage Sites – Guidance on Settings'

- 9.22 The Greater London Authority published the above draft Supplementary Planning Guidance on 31<sup>st</sup> October 2011. Public consultation upon the document ran until 20<sup>th</sup> January this year.
- 9.23 Policy 7.10 of the London Plan (2011) provides that development in the setting of World Heritage Sites should conserve, promote, make sustainable use of and enhance the integrity, significance and Outstanding Universal Value of World Heritage Sites, and states that development should not cause adverse impacts on World Heritage Sites or their settings and should not compromise a viewer's ability to appreciate its Outstanding Universal Value, integrity, authenticity or significance. As stated at paragraphs 9.26 and 9.35 of the report to SDC on 15<sup>th</sup> September 2011 (appendix 1), it is considered that the proposal accords with this policy.
- 9.24 The draft SPG states that its intention is to support the implementation of policy 7.10, and other London Plan policies, to ensure a more consistent interpretation of setting and understanding of the importance of World Heritage Sites in contributing to an appreciation of Outstanding Universal Value and to help support consistency in decision making.
- 9.25 In the case of the Tower of London the SPG gives recognition to the evolving skyline around the Tower of London, and notes that this needs to be considered in the context of identified Strategic Views, which should undertaken as part of the assessment of the impact of development. The submitted Townscape, Visual Impact and Built Heritage Report includes such assessments, as discussed within section 9 of the report to SDC on 15<sup>th</sup> September 2011 (appendix 1).
- 9.26 The draft SPG also sets out a summary of considerations that should be taken into account when assessing development proposals. These include London Plan policies and the setting of the Tower of London World Heritage Site in relation to its Outstanding Universal Value. It is considered that the Council's Local Development Framework is already consistent with the draft SPG in this respect, as the Core Strategy

(2010) and the emerging Managing Development DPD policies seek to ensure any development proposal respects, conserves and preserves the Outstanding Universal Value of the Tower of London World Heritage Site.

- 9.27 The draft SPG states (at paragraph 4.6) that developers should check that their proposals for development do not cause adverse impact on World Heritage Sites or their setting by considering whether any of the elements of setting identified in chapter 4 of the draft SPG are likely to be affected. Chapter 4 of the draft SPG contains 14 'Implementation Points' In this case the material provided in support of the planning application addresses the matters referred to in all 14 implementation points. The proposal would respect and enhance the landscape and setting of the World Heritage Site (implementation point 3) and also conserves local and strategic views (implementation point 4). In particular, the SPG seeks at Implementation Points 5 and 7 to improve the public realm and routes to and from the WHS and likewise improved access is an aim of the SPG at Implementation Point 9. The draft SPG also puts emphasis upon the reduction of traffic noise, fumes and airborne pollutants on World Heritage Sites (Implementation point 12). This is particularly adverse in the case of the Tower of London given the highway network which borders it. The enhancement of access to the Underground Station by virtue of the public realm and associated step free access improvements contribute positively towards Implementation Points 5, 7, 9 and 12.
- 9.28 Chapter 5 of the draft SPG provides an assessment framework to be used so as to ensure conservation of the World Heritage Site's Outstanding Universal Value. Officers have considered the draft assessment framework, and have concluded that the approach taken in the Townscape, Visual Impact, and Built Heritage Report submitted by the applicant is consistent with the approach advocated in chapter 5 of the draft SPG.
- 9.29 The Creekside Forum draw particular attention to the Implementation Point 14 at page 45 of the draft SPG, which refers to the fact that the seasonal effects of trees in or out of leaf can have a bearing on visibility and thus the setting of World Heritage Sites, and that seasonal changes in sunlight and shading can also impact on setting. It is not considered in the particular circumstances of this case that it is necessary, in order to assess impact in summer and winter, to require the developer to provide additional photomontages which show the proposed development in the summer and in the winter, as the proposed building will remain in substantially full view in both summer and winter and the assessment can be, and has been, undertaken of the impact in all seasons based upon the material which has been supplied. Notwithstanding this, the photographs in the Townscape, Visual Impact and Built Heritage report submitted in January 2011, were taken when the trees were not in leaf (April 2010). This ensures that the maximum visual impact of the proposed development can be assessed. In addition, two supplementary views were submitted in October 2011 (as presented in the October 27<sup>th</sup> report to SDC, attached at appendix 3) and these photographs were taken when the trees were in leaf. The proposed development is not screened to any significant extent by tree foliage in these views, and it is apparent by inspection of these images that significantly different visual effects could not arise in these views as a result of the trees not being in leaf.
- 9.30 The Creekside Forum also draw attention to paragraph 5.11 of the draft SPG which states that 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 they are considered of significant value, their capacity for change. The SPG sets out an assessment framework at Implementation Point 15 for assessing the effect of development proposals in World Heritage Sites and their setting, and paragraph 5.11 has regard to Step 2 of the framework (identify and Consider other heritage assets, not directly associated with Outstanding Universal Value, which may potentially be affected).
- 9.31 Having assessed the proposal and the submitted application documents, it is considered

that each of the seven stages of the assessment framework at Implementation Point 15 have been followed. As a result, it is considered that proposal would not detrimentally impact upon the Outstanding Universal Value of the World Heritage Site. With particular regard to Step 2, each of the heritage assets within the setting of the World Heritage Site (as listed at paragraph 9.12 above) that could be affected have been assessed and it is considered that their character and setting would be preserved and enhanced. Accordingly, the proposal is considered to be informed by its surrounding historic environment, whilst the abovementioned heritage assets would continue to contribute positively to the character of the area, and is therefore in accordance with policy 7.4 of the London Plan.

- 9.32 The SPG has been published as a draft and limited weight can be afforded to it. For the reasons given above it is considered that the proposal is consistent with the guidance and advice contained within it.

#### Planning Obligations SPD (January 2012)

- 9.33 Further to the application last being heard by the Strategic Development Committee on 28<sup>th</sup> November 2011, the Council formally adopted the Planning Obligations SPD in January 2012. The s106 heads of terms (as detailed above at section 4) were agreed with the applicant prior to the adoption of the SPD, however, notwithstanding this, it is considered that the agreed obligations are broadly compliant and, moreover, in line with Government Circular 05/05 and the Community Infrastructure Levy Regulations 2010.

#### Saved UDP Policy DEV34

- 9.34 An error has been made in previous reports by way of the omission of reference to saved policy DEV34 of the Unitary Development Plan. This policy concerns protected London Squares, of which Trinity Square is one, and seeks to ensure that any 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.
- 9.35 As detailed within the appended reports, the proposal is considered to be appropriate within short, medium and strategic views and would not appear to overwhelm neighbouring buildings. The proposed scale, mass, height and design of the building is considered appropriate to the surrounding context, including the protected Trinity Square. As such, the proposal is considered to satisfy saved policy DEV34.

#### Step Free Access Representations

- 9.36 As detailed above, subsequent to the SDC meeting of 28<sup>th</sup> of November 2011, the Creekside Forum and the Trinity Square Group have written to the Council voicing concern that the potential benefits to be achieved as a result of providing step free access have been overstated in previous Committee Reports. In particular, the Creekside Forum and the Trinity Square Group have drawn attention to the fact that the platforms at Tower Hill Underground Station are 'severely curved', and that as a result when new trains are introduced into service on the District and Circle Lines a horizontal gap between the platform and the train will remain.
- 9.37 London Underground's letter, as referred to above, and appended at Appendix 7 to this report, explains LUL's belief as to the ways in which wheelchair users will be able to manage the gap between trains and the platform. As stated by LUL in their letter of 3<sup>rd</sup> February 2012 the provision of step free access to the underground station will benefit a variety of users, including passengers with luggage, parents with pushchairs, and passengers with reduced mobility and disabled persons. LUL state that with the planning application approved and the civil structures for the Step Free Access (SFA) scheme



being completed by the developer, LUL will be able to commission and fit out the lifts providing a scheme which provides SFA from platform to street level by 2013/2014. After the new train stock is introduced the step will be removed (LUL refer to a step of 0mm) but a gap will remain. Wheelchair users will have to negotiate the gap between the platform and the trains. Following the introduction of the new stock, LUL believe that manual wheelchair users will be able to manage the step and gap; some wheelchair users will be able to manage the step and gap with assistance from staff; and some wheelchair users will require the use of a boarding aid (a ramp).

## **10. RECOMMENDATION**

- 10.1 It is considered that the additional considerations identified in this report should not cause members to reach a different decision to that contained in the resolution to grant planning permission subject to the applicant entering into a planning obligation under section 106 of the Town and Country Planning Act 1990 which was passed at the Committee's meeting on 28<sup>th</sup> November 2011.
- 10.2 The recommendation by officers remains unchanged. Accordingly, the Committee are recommended to resolve to GRANT planning permission subject to the completion of a legal agreement, as previously detailed within the published report and addendum report at the Strategic Development Committee meeting held on 28<sup>th</sup> November 2011. The suggested reasons for approval (amended to take into account the additional development plan policies), details of the legal agreement (amended to take into account the applicant's increased Employment & Enterprise contribution as reported at the 28<sup>th</sup> November SDC meeting) and suggested conditions are reproduced above for ease of reference.

## **11. CONCLUSION**

- 11.1 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 above.

## **12. APPENDICES**

- 12.1 Appendix 1 - Committee Report to Members on 15<sup>h</sup> September 2011  
12.2 Appendix 2 - Addendum Report to Members on 15<sup>th</sup> September 2011  
12.3 Appendix 3 - Deferral Report to Members on 27<sup>th</sup> October 2011  
12.4 Appendix 4 - Addendum Report to Members on 27<sup>th</sup> October 2011  
12.5 Appendix 5 – Deferral Report to Members on 28<sup>th</sup> November 2011  
12.6 Appendix 6 – Addendum Report to Members on 28<sup>th</sup> November 2011  
12.7 Appendix 7 – Letter from TfL dated 3<sup>rd</sup> February 2012  
12.8 Appendix 8 – Letters from Creekside Forum and Trowers & Hamlins