

# LONDON BOROUGH OF TOWER HAMLETS

## STRATEGIC DEVELOPMENT COMMITTEE

1<sup>st</sup> March 2012 at 7.30 pm

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### UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

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7.2	PA/11/3375	Poplar Business Park, 10 Prestons Road London E14 9RL	Demolition of existing buildings and redevelopment of the site to provide a mixed use scheme of between 3 and 22 storeys comprising 7,255sq.m of business accommodation (Use Class B1), 392 residential units (Use Class C3) with associated parking and landscaping.

<b>Agenda Item number:</b>	7.1
<b>Reference number:</b>	PA/11/00163
<b>Location:</b>	Tower House, 38-40 Trinity Square, London, EC3N 4DJ
<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

## **A Further Comments Received**

### **1 Trinity Square Group (Trowers & Hamblins - Cannon Consulting Engineers)**

- 1.1 The report (included in the main agenda) referred to a letter submitted by London Underground which outlined the benefits of the proposed step free access into the tube station and onto the District and Circle Line platforms. The letter also summarised the methods by which access onto the trains by wheelchair users would be made easier, through the introduction of new trains with the assistance of station staff as necessary. Objectors to the scheme have argued that the benefits of the proposed step free access works were overplayed by officers in previous reports, as the curvature of the tube lines prevent wheelchair users from boarding the trains.
- 1.2 A further letter has been submitted on behalf of Trinity Square Group by Trowers & Hamblins with a technical response on the disabled access issues submitted by Cannon Consulting Engineers. The Trowers & Hamblins letter refers to the 1<sup>st</sup> March 2012 Strategic Development Committee agenda item and the previous issues:
  - Omission of the relevant draft Supplementary Planning Guidance "London World Heritage Sites – Guidance on Settings"
  - The severely curved platforms at Tower Hill station and the proposal for step free access works to be funded as part of the proposed development
- 1.3 The letter submitted by Cannon Consulting Engineers makes a number of submissions and the Trowers & Hamblins letter requests that Members consider these further representations as part of their deliberations.
- 1.4 The letter refers to London Underground's commitment to improve accessibility of underground services to all customers. The letter goes on to state that London Underground is required to meet accessibility standards set out in SI 2010/435 and that formal exemptions have to be granted by the Department of Transport (DoT) where standards cannot be met.
- 1.5 The letter advises that London Underground submitted a batch of exemption applications to the DoT in March 2011 (in relation to the District, Circle and Hammersmith and City lines) which apply to train stops where there is no step free access from the platforms out of the station, where there are no step free access routes between lines or where it is not possible to bring the dimensions of the step and/or gap within maximum permitted tolerances. The letter goes on to advise that at Tower Hill, an untimed temporary exemption has been requested until such time as an appropriate solution has been identified for severely curved platform. The letter

concluded that the planning application cannot deliver a solution to the accessibility problems caused by the severely curved platforms.

- 1.6 The letter then outlines the various requirements associated with distances from platforms and trains waiting at the station and refers to the "General Requirements" that a boarding device must be fitted by the operator between the doorway and the platform if the gap is more than 75mm measured horizontally. The letter concluded that the gap relating to the Tower Hill platforms is significantly more than 75mm. The letter advises that the exemption application concludes that London Underground "do not believe that there are any appropriate permanent or temporary solutions currently available that would give access at severely curbed platforms".
- 1.7 The letter then goes on to challenge comments made in the London Underground letter (attached as an Appendix to the agenda item). The letter advises that Tower Hill Underground station will not have platform edge adjustments to close the gap. Cannon Consulting have argued that the whist the step (from platform to train) will become level (with the introduction of the S-Stock) measurements undertaken on site suggests that the gap (which LU has confirmed as currently 96mm) has been under-stated which means that the gap between the platform and the new S Stock is likely to be greater (to around 200mm for the longer S-Stock).
- 1.8 The letter finally refers to LU comments that as necessary, staff will provide assistance for wheel chair travellers boarding the train and will, as necessary, utilise a boarding aid. The letter then refers back to the exemptions applications, which confirm that manual boarding ramps and staff interventions are not considered appropriate solutions. The letter concludes by saying that with the gap being in excess of 75 mm, there is no realistic prospect of the station meeting the minimum RVAR requirement to deliver a "blue" wheel chair symbol (on the tube map) but acknowledges that it will have a "no coloured" wheelchair symbol (which confirms access from street to train).
- 1.9 *(Officer Comment) The existing gaps between the station platform and the trains has been fully documented in the report and it is acknowledged that some wheelchair users of the Tower Hill station (assuming they can access the platforms in the first instance) will need some form of assistance to board the train. London Underground has confirmed that staff will be on hand to provide assistance as required. The failure to provide step free access into the station will deny wheelchair users the opportunity to access the station, although it is accepted that some wheelchair users will need some assistance. Tower Hill Underground is heavily used by a variety of user groups (including families with buggies and tourists with heavy luggage) and step free access will significantly render the station more convenient and usable by these groups. It is also significant that these groups are not as constrained by the gap between the train and the platform and will fully benefit from the step free access. Overall, officers are satisfied that the step free access works represent a significant benefit in terms of convenience for users of Tower Hill Station and visitors to this important tourist destination. The step free access will also enhance the area, viewed in the context of identified heritage assets.*

## **2. Common Councilman Marianne Fredericks**

- 1.10 An email from the above Common Councilman raising comments as a Ward Councillor was received on 1<sup>st</sup> March 2012 raising concern over LU comments associated with the ability to deal with the gap between Tower Hill platforms and the new straight sided train carriages. As the advice from LU is "plainly wrong and it is inevitable that it will be withdrawn sooner or later" it will be a waste of public time and money for tonight's meeting to consider the Tower House application. The email also refers to previous minutes (15 September 2011 SDC) and comments made by Mr Martin Sibley (a wheelchair user himself) who did not mention the gap or the

necessary deployment of boarding ramps by platform staff who do not currently exist and do not appear to be budgeted for.

### **3. Besso Insurance Group (8-11 The Crescent)**

1.11 A further letter has been received from the above, making the following comments:

- The height of the building is excessive with adjoining buildings at four storeys. The development should simply restore the 38-40 Trinity Square lines and heights and embrace the lower level Tower Hill Tube Station.
- The style of the building is modern and out of context with Trinity House and the Trinity 'family' of buildings which forms an important part of the recreational space in Trinity Square
- A 370 room low cost hotel on the site seems unwelcome in an area already well served by hotels – especially with the proposal to convert 10 Trinity Square into a 5 star hotel

1.12 *(Officer Comment) These issues have been addressed in the report as well as previous reports to Strategic Development Committee.*

### **4. English Heritage**

1.13 Officers have made further contact with English Heritage - specifically in relation to the implications of the development on the World Heritage Site. English Heritage has confirmed that it has no further comments to offer but reiterates the importance of the Council fully assessing the proposal in light of all relevant policy documents and its impact on the Outstanding Universal Value of the Tower of London.

1.14 *(Officer Comment) Officers are satisfied that they have fully assessed the development against the Outstanding Universal Value of the Tower of London. Previous reports have referred specifically to this issue and the most recent report assesses the scheme against the draft Supplementary Planning Guidance with reference to World Heritage Sites*

### **B Universal Value - World Heritage Site**

1.15 Officers consider it important for Members to be advised of a guidance note produced by English Heritage entitled "Seeing History In the View". This Guidance sets out the methodology for understanding and assessing heritage significance within views and comprises 5 steps in assessing baseline significance and 10 steps for assessing the potential impact of development. Significantly, the document refers to the London View Management Framework and specifically the existing Queen's Walk view (of the Tower of London) as a working example of how best to manage such views. It is presented as an explanation of the manner in which English Heritage will assess the heritage significance of views and is offered as an approach that others could potentially follow

1.16 *(Officer Comment): These issues have been assessed as part of the consideration of the case and have been expressed in detail with reference to the current and previous reports to the Strategic Development Committee. Officers consider that the various steps outlined in this Guidance have been satisfied, particularly around sustaining the significance of the view (both in isolation and also terms of cumulative impact). No additional views were established as part of the process beyond that comprised within the London View Management Framework. The established views (from Queens Walk) provide "the best view of the Tower of London to illustrate the heritage significance of the World Heritage Site". Whilst English Heritage's consultation response (dated 14 April 2011) was written before the formal adoption*

of 'Seeing the History in the View' a draft of this document has been in circulation since April 2008. It is significant that English Heritage's consultation responses do not express any concern that the proposed development would not sustain the heritage significance that English Heritage has identified within LVMF View 25.

### **C Localism Act (amendment to S70(2) of the TCPA 1990)**

1.17 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the local planning authority (and on appeal by the Secretary of State) to grant planning permission on application to it. From 15<sup>th</sup> January 2012, Parliament has enacted an amended section 70(2) as follows:

1.18 In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to the application;
- b) Any local finance considerations, so far as material to the application; and
- c) Any other material consideration.

1.19 Section 70(4) defines "local finance consideration" as:

- a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

1.20 In this context states that "grants" might include:

- a) Great Britain Building Fund: the £400m "Get Britain Building" Fund and government-backed mortgage indemnity guarantee scheme to allow housebuyers to secure 95% mortgages;
- b) Regional Growth Funds;
- c) New Homes Bonus;
- d) Affordable Homes Programme Funding.

1.21 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.

1.22 *(Officer Comment): Officers are satisfied that the current report to Committee, when viewed alongside previous reports presented has had regard to the provision of the development plan. As regards local finance considerations, the proposed S.106 package has been detailed in full which complies with the relevant statutory tests, adequately mitigates the impact of the development and provides necessary infrastructure improvements.*

1.22As regards Community Infrastructure Levy considerations, following the publication of the Inspector's Report into the Examination in Public in respect of the London Mayor's Community Infrastructure Levy (which directs CIL payments towards the implementation of Crossrail) Members are reminded that it is likely that the London Mayoral CIL is intended to become operational from 1 April 2012 and will not be payable on this scheme, as long as the planning permission is issued by 31 March 2012. The likely CIL payment associated with this development would be in the region of £410,200 which if payable, could potentially impact on S.106 planning obligations previously negotiated, as outlined in the report to the 1st March 2012 Strategic Development Committee.

<b>Agenda Item number:</b>	7.2
<b>Reference number:</b>	PA/11/03375
<b>Location:</b>	Poplar Business Park, 10 Prestons Road London E14 9RL
<b>Proposal:</b>	Demolition of existing buildings and redevelopment of the site to provide a mixed use scheme of between 3 and 22 storeys comprising 7,255sq.m of business accommodation (Use Class B1), 392 residential units (Use Class C3) with associated parking and landscaping.

## 1.0 Error

1.1 There was a typographical error to Paragraph 8.100 and it should read:

*The only habitable room window to habitable room separation distance which fail to meet the minimum separation distance of is located on the northern end in Block C1 and its relationship with Wharfside Point North is approximately 12m. (see figure 5). Only one of two kitchen windows to a flat on each floor (a total of 6 units) which will have direct habitable room window to window separation distance of 12 m.*

1.2 There was a typographical error to Paragraph 8.113 and it should refer to the proposal providing 9 parking spaces dedicated to 4 and 5 bedroom affordable units, and not 12 spaces.

1.3 Paragraph 3.1(o) should read:

*Provision of a pedestrian access (public walkway) through the site and Aspen Way and future provision through to **Poplar High Street**.*

1.4 Paragraph 7.1 state the number of individual responses as 16. This should be a total of **51** responses, 16 with objections and 35 with support.

1.5 The description of the development should have specified 7,255sq.m of business accommodation and not 8,104sq.m.

1.6 Paragraph 6.11, second bullet point should read:

*'Within the 25% affordable offer, the proposed tenure split between **affordable rent** and intermediate accommodation....' and not refer to social rent.*

1.7. Paragraph 7.2 under the issue *No provision for family sized units for existing residents*, it should read;

*'...52% in the affordable **rented** provision....'*

## 2.0 Additional information and clarification

### 2.1 Density

Paragraph 8.17 explains the proposed density for the site and your officers have identified the site as in an urban location. It should be noted that the GLA had identified the site being within a central location which would result in the proposed density being in compliance with the density threshold of 650-1100hr/ha.

In the London Plan 2011, urban setting is defined as: *areas with predominately dense development, such as, for example, terrace houses, mansion blocks, a mix of different uses, medium building footprints and typically buildings of two to four storeys, located within 800m walking distance of a District centre or along main arterial routes.*

Central setting is defined as *areas with very dense development, a mix of different uses, large building footprints and typically buildings of four to six storeys, located within 800 metres walking distance of an International, Metropolitan or Major town centre.*

It can arguably be said that the application site falls within the two settings. The site is located within 800m walking distance to Canary Wharf major town centre, however the site is in a predominately dense area. Nonetheless, as outlined in the main report the proposed density of 907 habitable rooms per hectare is considered acceptable for the application location.

## 2.2 Emergency Flood Evacuation Plan

Paragraph 6.14 outlined the requirement of the Emergency Flood Evacuation Plan for the site by the Environment Agency. The Council's Emergency Planning Team was consulted and raised no objections to the Plan subject to informatives. Appropriately worded informative will be added.

## 2.3 Affordable rented housing

Paragraphs 8.20 to 8.33 outline the proposed affordable housing offer. It should have clarified that the applicant has agreed to rent levels below the borough average rents as identified in Pod research levels which are as follows:

- 1bed - £173 per week
- 2bed – £186 per week
- 3bed - £229 per week
- 4bed - £236 per week
- 5bed - £288 per week

## 2.4 Cycle hire docking station

In paragraph 8.116 states that the land made available for 24 cycle docking station will be secured through a 106 Agreement. Therefore, under the Non-financial contribution within Paragraph 3.1 should have included an additional point. This shall read;

s) Land to be made available for 24 cycle docking stations and the delivery and implementation of the cycle docking stations shall be made by TfL.

## **3.0 Localism Act (amendment to S70(2) of the TCPA 1990)**

3.1 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the local planning authority (and on appeal by the Secretary of State) to grant planning permission on application to it. From 15<sup>th</sup> January 2012, Parliament has enacted an amended section 70(2) as follows:

3.2 In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to the application;
- b) Any local finance considerations, so far as material to the application; and
- c) Any other material consideration.

3.3 Section 70(4) defines "*local finance consideration*" as:

- a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

3.4 In this context "grants" might include:

- a) Great Britain Building Fund: the £400m "Get Britain Building" Fund and government-backed mortgage indemnity guarantee scheme to allow housebuyers to secure 95% mortgages;
  - b) Regional Growth Funds;
  - c) New Homes Bonus;
  - d) Affordable Homes Programme Funding.
- a. These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.
- b. *(Officer Comment): Officers are satisfied that the current report to Committee, when viewed alongside previous reports presented has had regard to the provision of the development plan. As regards local finance considerations, the proposed S.106 package has been detailed in full which complies with the relevant statutory tests, adequately mitigates the impact of the development and provides necessary infrastructure improvements.*
- 3.7 *As regards Community Infrastructure Levy considerations, following the publication of the Inspector's Report into the Examination in Public in respect of the London Mayor's Community Infrastructure Levy, Members are reminded that it is likely that the London mayoral CIL is intended to become operational from 1 April 2012 and will not be payable on this scheme, as long as the planning permission is issued by 31 March 2012. The likely CIL payment associated with this development would be in the region of £837,728 and could impact on the future s.106 obligations.*
- 3.8 *With regards grants, the Great Britain Building Fund is part The government's housing strategy published on the 21 November 2011 designed to tackle the housing shortage, boost the economy, create jobs and give first time buyers the opportunity to get on the housing ladder. Officers are satisfied that the development provides the types of units in the form single occupancy flats within the private and intermediate tenure, and range of unit sizes to accommodate the differing financial constraints of future potential occupier and therefore the proposal supports this initiative .*
- 3.9 *The Regional Growth Fund (RGF) is now a £2.4bn fund operating across England from 2011 to 2015. It supports projects and programmers that lever private sector investment to create economic growth and sustainable employment. It aims particularly to help those areas and communities which were dependent on the public sector to make the transition to sustainable private sector-led growth and prosperity. Whilst there is no evidence to suggest that this development is directly linked into this initiative, officers are satisfied that through the creation of 425 jobs, there is likely to be range of job opportunities, both skilled and un-skilled that would support the aim of the initiative to create economic growth and sustainable employment. Officers can confirm that best endeavors have been secured through the S.106 agreement to ensure that at least 20% of the those job opportunities will benefit residents of the borough during the construction process, and are also satisfied that a financial payment to provide silks and training can also lead to greater opportunities for local residents to secure sustainable employment.*
- 3.10 *With regards to the New Home Bonus. The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides unring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.*



- 3.11 *Using the DCLG's New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £594,667 within the first year and a total of £3,568,004 over a rolling six year period. There is no policy or legislative requirement to discount the new homes bonus against the s.106 contributions, and therefore this initiative does not affect the financial viability of the scheme.*
- 3.12 *The Affordable Homes Programme 2011-15 (AHP) aims to increase the supply of new affordable homes in England. Throughout 2011-15, Homes and Communities Agency(HCA) aims to invest £4.5bn in affordable housing through the Affordable Homes Programme and existing commitments from the previous National Affordable Housing Programme. The majority of the new programme will be made available as Affordable Rent with some for affordable home ownership, supported housing and in some circumstances, social rent.*
- 3.13 *However developments that secure affordable housing through s.106 agreements (as is the case for this proposal) are highly unlikely to receive grant from the HCA as they seek to reserve funding for Registered Social Landlords who specialise in providing affordable housing.*

#### **4.0 Recommendation**

Officer's recommendation remains approval.

