

Meeting of the

STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 27 October 2011 at 7.00 p.m.

A G E N D A

VENUE

Council Chamber, Town Hall, Mulberry Place, 5 Clove Crescent,
London, E14 2BG

Members:	Deputies (if any):
Chair: Councillor Helal Abbas Vice-Chair: Councillor Bill Turner	
Councillor Khales Uddin Ahmed Councillor Dr. Emma Jones Councillor Carlo Gibbs Councillor Judith Gardiner 1 Vacancy	Councillor Tim Archer, (Designated Deputy representing Councillor Dr. Emma Jones) Councillor Peter Golds, (Designated Deputy representing Councillor Dr. Emma Jones) Councillor Gloria Thienel, (Designated Deputy representing Councillor Dr. Emma Jones) Councillor Denise Jones, (Designated Deputy representing Councillors Helal Abbas, Khales Uddin Ahmed, Bill Turner, Carlo Gibbs and Councillor Judith Gardiner) Councillor Motin Uz-Zaman, (Designated Deputy representing Councillors Helal Abbas, Khales Uddin Ahmed, Bill Turner, Carlo Gibbs and Judith Gardiner) Councillor Amy Whitelock, (Designated

Deputy representing Councillors Helal
Abbas, Khaled Uddin Ahmed, Bill Turner,
Carlo Gibbs and Judith Gardiner)

[Note: The quorum for this body is 3 Members].

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact: Zoe Folley, Democratic Services,
Tel: 020 7364 4877, E-mail: zoe.folley@towerhamlets.gov.uk

LONDON BOROUGH OF TOWER HAMLETS
STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 27 October 2011

7.00 p.m.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Chief Executive.

	PAGE NUMBER	WARD(S) AFFECTED
3. UNRESTRICTED MINUTES		
To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of the Strategic Development Committee held on 15 th September 2011.	3 - 12	

4. RECOMMENDATIONS

To RESOLVE that:

- 1) in the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director Development and Renewal along the broad lines indicated at the meeting; and
- 2) in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.

5. PROCEDURE FOR HEARING OBJECTIONS

To NOTE the procedure for hearing objections at meetings of the Strategic Development Committee. **13 - 14**

The deadline for registering to speak is 4pm Tuesday 25th October 2011.

6. DEFERRED ITEMS

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6 .1 Tower House, 38-40 Trinity Square, London EC3N 4DJ

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**St
Katharine's
& Wapping**

7. PLANNING APPLICATIONS FOR DECISION

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**7 .1 134 to 140 Pennington Street & 130, 136 & 154 to 162
The Highway**

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**St
Katharine's
& Wapping**

Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

This note is guidance only. Members should consult the Council's Code of Conduct for further details. Note: Only Members can decide if they have an interest therefore they must make their own decision. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending at a meeting.

Declaration of interests for Members

Where Members have a personal interest in any business of the authority as described in paragraph 4 of the Council's Code of Conduct (contained in part 5 of the Council's Constitution) then s/he must disclose this personal interest as in accordance with paragraph 5 of the Code. Members must disclose the existence and nature of the interest at the start of the meeting and certainly no later than the commencement of the item or where the interest becomes apparent.

You have a **personal interest** in any business of your authority where it relates to or is likely to affect:

- (a) An interest that you must **register**
- (b) An interest that is not on the register, but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of your authority more than it would affect the majority of inhabitants of the ward affected by the decision.

Where a personal interest is declared a Member may stay and take part in the debate and decision on that item.

What constitutes a prejudicial interest? - Please refer to paragraph 6 of the adopted Code of Conduct.

Your personal interest will also be a prejudicial interest in a matter if (a), (b) and either (c) or (d) below apply:-

- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph 6.2 of the Code; AND EITHER
- (c) The matter affects your financial position or the financial interest of a body with which you are associated; or
- (d) The matter relates to the determination of a licensing or regulatory application

The key points to remember if you have a prejudicial interest in a matter being discussed at a meeting:-

- i. You must declare that you have a prejudicial interest, and the nature of that interest, as soon as that interest becomes apparent to you; and
- ii. You must leave the room for the duration of consideration and decision on the item and not seek to influence the debate or decision unless (iv) below applies; and

- iii. You must not seek to improperly influence a decision in which you have a prejudicial interest.

- iv. If Members of the public are allowed to speak or make representations at the meeting, give evidence or answer questions about the matter, by statutory right or otherwise (e.g. planning or licensing committees), you can declare your prejudicial interest but make representations. However, you must immediately leave the room once you have finished your representations and answered questions (if any). You cannot remain in the meeting or in the public gallery during the debate or decision on the matter.

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON THURSDAY, 15 SEPTEMBER 2011

**COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Helal Abbas (Chair)

Councillor Khaled Uddin Ahmed
Councillor Bill Turner (Vice-Chair)
Councillor Carlo Gibbs

Councillor Peter Golds

Other Councillors Present:

Nil

Officers Present:

Megan Nugent	– (Legal Services Team Leader, Planning, Chief Executive's)
Owen Whalley	– (Service Head Planning and Building Control, Development & Renewal)
Jerry Bell	– (Strategic Applications Manager Development and Renewal)
Devon Rollo	– (Strategic Applications Planning Officer)
Simon Ryan	– (Deputy Team Leader, Development and Renewal)
Matthew Lawes	– (Senior Engineer - Development)
Alan Ingram	– (Democratic Services)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillor Dr Emma Jones, for whom Councillor Peter Golds was deputising.

2. DECLARATIONS OF INTEREST

Members declared interests in items on the agenda for the meeting as set out below:

Councillor	Item(s)	Type of interest	Reason
Khales Uddin Ahmed	7.2	Personal	He was a member of Poplar HARCA Board.
Bill Turner	7.1	Personal	Had received representations from interested parties for and against the application.
Helal Abbas	7.1	Personal	Had received representations from interested parties for and against the application.
Carlo Gibbs	7.1/7.2	Personal	Had received representations from interested parties for and against the applications.
Peter Golds	7.1	Personal	Had received representations from interested parties for and against the applications.

3. UNRESTRICTED MINUTES

Councillor Bill Turner asked that it be noted that the Planning Officer had made the point that there had been inaccurate information put forward in the National Rail statement regarding the application concerning the redundant railway viaduct north of Pooley House, Westfield Way, London (PA/10/01458).

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 4th August 2011 be agreed as a correct record and signed by the Chair.

4. RECOMMENDATIONS

The Committee **RESOLVED** that:

- 1) In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director, Development and Renewal along the broad lines indicated at the meeting; and
- 2) In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director, Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision

5. PROCEDURE FOR HEARING OBJECTIONS

The Committee noted the procedure for hearing objections, together with details of persons who had registered to speak at the meeting.

6. DEFERRED ITEMS

6.1 PA/10/01458 – Redundant Railway viaduct, North of Pooley House, Westfield Way

At the request of the Chair, Mr Owen Whalley (Service Head, Planning & Building Control) introduced the application (PA10/01458) regarding Redundant Railway Viaduct North of Pooley House, Westfield Way, London. He added that the Committee, at its meeting on 4th August 2011, had resolved not to accept the Officers' recommendation and were minded to refuse planning permission for the reasons shown in the report.

At the request of the Chair, Mr Devon Rollo (Strategic Applications Planning Officer) then presented the report in detail and set out the implications of a decision to refuse planning permission, together with suggested reasons for refusal.

The Vice-Chair expressed the view that it should be noted that the Planning Officer had made the point that there had been inaccurate information put forward in the National Rail statement when the application had been first considered.

The Chair commented that there had been full discussion of the application at the last meeting and indicated that the matter would, therefore, be put to the vote.

On a unanimous vote, the Committee **RESOLVED**

That the application for planning permission at the redundant railway viaduct north of Pooley House, Westfield Way, London (PA/10/01458) for the erection of two separate four storey podium blocks of Student Apartments be **REFUSED**, subject to any direction by the Mayor of London, for the following reasons:

1. The scheme would result in an overconcentration of student housing within the area and fail to provide an appropriate mix and balance of housing, including a failure to provide family housing. As such the scheme is contrary to policies 3.9 and 7.1 of the adopted London Plan 2011 and policies SP02 and SP12 of the Core Strategy Development Plan Document 2010, which seek to ensure places have a range and mix of dwelling types and tenures to promote balanced and socially mixed communities.
2. The scheme would have a detrimental impact on the amenity of the residents of the surrounding area due to the increased potential of late night disturbance from the occupation of the student housing. As such the scheme is contrary to policies SP02 and SP10 of the Core Strategy Development Plan Document 2010, saved policies DEV2 of the adopted Unitary Development Plan 1998 and policies DEV1 of the Council's Interim Planning Guidance 2007, which seek to protect the amenity of occupants and the surrounding area.
3. The proposal would represent an over-development of this restricted site, resulting in a built form of excessive scale, bulk and inappropriate design, leading to an overbearing form of development and an unacceptable loss of daylight, outlook and increased enclosure with inadequate opportunities for meaningful landscaping, contrary to policies 3.4, 7.1, 7.4 and 7.5 of the adopted London Plan 2011, policy SP10 of the Council's Core Strategy Development Plan Document 2010 and saved policies DEV1, DEV 2 and DEV 12 of the adopted Unitary Development Plan 1998, which seek to ensure that development is appropriate to its context and maintains the amenity of neighbouring residents and the surrounding environment.

7. PLANNING APPLICATIONS FOR DECISION

7.1 PA/11/00163 - Tower House, 38-40 Trinity Square, London EC3N 4DJ

At the request of the Chair, Mr Owen Whalley (Service Head Building & Control), introduced the circulated report and **Tabled** update report concerning the application for planning permission at Tower House, Trinity Square, London, EC3N 4DJ, for the erection of a 9-storey building with basement, comprising a 370-room hotel (Use Class C1) with ancillary hotel facilities including café (Use Class A3), bar (Use Class A4) and meeting rooms (Use Class B1) with plant and storage at basement and roof level. The application also proposed 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.

The Chair invited registered speakers to address the Committee.

Mr Patrick Gurner, a Director of Montague Evans, Consultant Engineers for the Trinity Square Group, spoke in objection to the application, expressing the view that the proposed servicing system for the hotel would have unacceptable implications for Trinity Square, which was the centre of a major transport interchange and the main arrival point for 50% of visitors to the Tower of London. He commented that servicing for the hotel should take place on-site, rather than on-street and added that drawings had been submitted to demonstrate how this could be achieved. The Corporation of the City of London had voiced similar concerns, although this did not seem to have been taken up by Tower Hamlets' Highways Section. The proposal would result in many more vehicular movements in the immediate locality of Coopers Row and Trinity Square. Transport for London was also concerned and had asked for footpath widening to accommodate servicing. He suggested that the application should be deferred for the present time.

Mr Gurner then replied to questions from Members relating to the likelihood of adverse impact on the Square and concerns arising from the City of London.

Ms Marianne Fredericks, a City of London Councillor for Tower Ward and local resident, spoke against the application and stated that the proposals were contrary to the Borough's Development Plan and should be refused. Listed buildings would be adversely affected and it was essential to protect these assets. No proper description or analysis had been provided on the likely harm to the environment of buildings near the Tower House site and the size of the hotel meant that it would loom over Conservation Area buildings. The Tower Hill area was already well-served by hotels for all budget ranges and consequently demand for hotel space was well and truly met. Buildings affected by the proposals included Tower House, 41/42 Trinity Square, the Crescent Conservation Area, Tower square Gardens and the Merchant Seamen's War Memorial. Concerns expressed by the City of London had not been addressed and she felt that a site visit would be appropriate for Members of the Committee to gain more insight into the local impact of the hotel.

Ms Fredericks then responded to questions from Members regarding her concerns for effects of the scheme on listed buildings, the number of existing hotels in the locality of Trinity Square and the likely problems caused by increased vehicular movements in servicing the new hotel.

Mr Martyn Sibley, speaking in favour of the application, stated that he had just finished working on a project to evaluate the step free access works carried out by TfL at various London Underground Stations so he knew how expensive the proposed lift shafts and step free access work at Tower Hill would be. He also knew how vital they were to hundreds of thousands of

people who could not use the tube network because not enough stations were accessible. It was exactly what this area of London needed. It would mean wheelchair users and families with push chairs could access a fantastic tourist location and a brand new hotel, employing local people. By approving the scheme, Councillors would be generating a long term benefit to this area. Vacant land would be used, local jobs would be created and this corner of London would be opened up to mobility impaired people like him who would otherwise miss out on coming to Tower Hill.

Mr Michael Levie, speaking as the applicant's agent, stated that he was a founder member of the citizenM hotel group that provided accommodation for independent travellers and did not cater for block bookings or parties. Their operations used the greenest methods possible and had an excellent record in achieving sustainability. The applicants had worked with Council Officers and wanted all employees of the hotel, of whom there would be about 80, to come from Tower Hamlets. It was hoped to encourage local people back to work and provide job opportunities for school leavers. Two new lift to Tower Hill station would be provided at the applicants' expense. It was hoped that the hotel would make a long term contribution to the Borough.

Mr Levie then replied to questions put by Members relating to aspirations for providing work for local residents and the applicants' efforts to avoid adverse effects on listed buildings.

At the request of the Chair, Mr Simon Ryan (Deputy Team Leader Development & Renewal), made a detailed presentation of the application, as contained in the circulated report and update, including plans and a slideshow. He summarised the arguments for and against the proposal as engendered by wide public consultation. Officers were satisfied that the scale, mass and height of the proposed scheme was appropriate for the surrounding area and did not overwhelm the Tower of London buildings. There had been lengthy discussions over several months to protect local heritage and the scheme also provided much needed step free access to the Tower Hill station. There would be upgrades to the public realm around the Tower Hill underground and DLR interchange. Wider pavements would be provided and conditions ensured that adverse transport and pedestrian movements would be avoided.

Members then put questions relating to:

- The impact of the hotel on Trinity House and concerns that the latter would be dominated by the new building.
- The effects on the locality of large scale on-street deliveries to the hotel, of food, drink, bedding, etc that would have to be brought in large vehicles which would obstruct the street over long periods.
- The effect resulting from the height of the proposed hotel, as other high buildings in the area were at some distance from Trinity Square.
- Whether there had been any other plans to upgrade Tower Hill station as the proposed step free access seemed to contribute more to London Underground than the Borough.

- Whether land was available to provide the new access and if the applicants were legally obliged to make the provision.
- Whether there could be any assurance of jobs for local residents other than an aspiration for provision of 20% of the hotel workforce.

Officers' responses included comments that:

- The dimensions of the proposed hotel had been assessed and were not considered to present a significant impact on the locality. The height of the building was considered by English Heritage and the Historical Palaces to preserve the local assets.
- The applicants had agreed that there would not be more than six vehicular movements daily for on-street servicing purposes. Servicing periods would occur at periods of low pedestrian density. No servicing would take place between 7.00 am – 10 am or 4 pm – 7 pm. There would also be double yellow lines along the relevant kerbs and kerb faces.
- The step-free access was important not only for London Underground but constituted a significant benefit for the Borough both for residents and tourists. The S106 agreement required that the access should be provided before the hotel could open.
- The access included a very small area of land of unknown ownership but this would have to be resolved by the applicants to provide the facility before the hotel could operate.
- While 20% employment was an aspiration, finance would also be provided to ensure local people had access to suitable training.

Following further debate, the Chair commented that it was obvious that Members still had substantial concerns over the impact of the scheme on the locality of Trinity Square. Accordingly, he **moved** and, on a unanimous vote, the Committee **RESOLVED**

That the application for planning permission at Tower House, 38-40 Trinity Square, London, EC3N 4DJ, (PA/11/00163) for the erection of a 9-storey building with basement, comprising a 370 room hotel (Use Class C1) with associated ancillary hotel facilities including café (Use Class C1), bar (Use Class A4) and meeting rooms (Use Class B1) with plant and storage at basement and roof level be **DEFERRED** for consideration at the next meeting of the Committee to enable:

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

7.2 PA/10/2093 – Tweed House, Teviot Street, E14

At the request of the Chair, Mr Owen Whalley (Service Head Planning & Development Control), introduced the circulated report and **Tabled** update report concerning the application for planning permission at Tweed House, Teviot Street, E14, for the demolition of existing building and associated garage buildings; partial demolition of the adjacent towpath wall and the erection of a new residential development, 1 disabled parking space, 166 cycle parking facilities, landscaped open space and private amenity space.

At the request of the Chair, Mr Jerry Bell (Strategic Applications Manager) provided a detailed presentation of the proposed scheme including plans and a slideshow.

Members then put questions relating to:

- Clarification of social rent levels.
- The rationale behind the segregation of social and other tenures.
- The legal viability of stipulating a car free development and the position of residents transferring to the new development who already had Borough car parking permits.
- Whether children's playspace would be overlooked.

Officers' responses included comments that:

- The report contained information relating to new definitions of affordable housing, affordable rent, as well as social rent and intermediate housing.
- Officers had also raised concerns about the desirability of a more mixed tenure. The Housing Associations involved had indicated that problems arose in management where housing tenure was mixed and this could result in unsustainable servicing costs for tenants.
- The car free policy was well-established in the Borough and the site had a good PETA transport rating, so it was not felt there was any need to introduce further parking spaces or permits.
- Playspace would be adequately overlooked for security purposes.

Councillor Khales Uddin Ahmed proposed an **amendment** which, on being put to the vote, was declared **carried** unanimously and appears as resolution (2) below.

The Chair proposed a **motion**, incorporating Councillor Ahmed's amendment and, on a unanimous vote as the substantive motion, the Committee **RESOLVED**

- (1) That planning permission be **GRANTED** at Tweed House, Teviot Street, E14 (PA/10/2093) for the demolition of existing building and associated garage buildings; partial demolition of the adjacent towpath wall and the erection of a new residential development to provide 115 units (comprising 33 x 1 bed, 43 x 2 bed, 31 x 3 bed, 7 x 4 bed and 1 x 5 bed), 1 disabled parking space, 166 cycle parking facilities, landscaped open space and private amenity space, subject to any

direction by the Mayor of London; the prior completion of a legal agreement to secure planning obligations and to the planning conditions and informatives as set out in the circulated report and amended by the update report **Tabled** at the meeting.

- (2) That the use of financial contributions contained in the legal agreement referred to in resolution (1) above, regarding community facilities and child playspace facilities be prioritised towards schemes in the East India & Lansbury and Bromley by Bow Wards only.
- (3) That the Permit Transfer Scheme applies to the new development.
- (4) That the Corporate Director of Development & Renewal be delegated powers to negotiate the legal agreement indicated above.
- (5) That the Head of Development Decisions be delegated power to impose planning conditions and informatives on the planning permission to secure the matters listed in the circulated report.
- (6) That, if by 15 December 2011 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Planning and Building Control be delegated power to refuse the planning permission.

Following a request from the Vice-Chair, the Chair asked that Officers take on board the preparation of a report or information session for Members on the principles of pepper-potting. Mr Owen Whalley confirmed that suitable arrangements would be made.

The meeting ended at 8.30 p.m.

Chair, Councillor Helal Abbas
Strategic Development Committee

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Agenda Item 5

DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE

PROCEDURES FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

- 6.1 Where a planning application is reported on the "Planning Applications for Decision" part of the agenda, individuals and organisations which have expressed views on the application will be sent a letter that notifies them that the application will be considered by Committee. The letter will explain the provisions regarding public speaking. The letter will be posted by 1st class post at least five clear working days prior to the meeting.
- 6.2 When a planning application is reported to Committee for determination the provision for the applicant/supporters of the application and objectors to address the Committee on any planning issues raised by the application, will be in accordance with the public speaking procedure adopted by the relevant Committee from time to time.
- 6.3 All requests from members of the public to address a Committee in support of, or objection to, a particular application must be made to the Committee Clerk by 4:00pm one clear working day prior to the day of the meeting. It is recommended that email or telephone is used for this purpose. This communication must provide the name and contact details of the intended speaker and whether they wish to speak in support of or in objection to the application. Requests to address a Committee will not be accepted prior to the publication of the agenda.
- 6.4 Any Committee or non-Committee Member who wishes to address the Committee on an item on the agenda shall also give notice of their intention to speak in support of or in objection to the application, to the Committee Clerk by no later than 4:00pm one clear working day prior to the day of the meeting.
- 6.5 For objectors, the allocation of slots will be on a first come, first served basis.
- 6.6 For supporters, the allocation of slots will be at the discretion of the applicant.
- 6.7 After 4:00pm one clear working day prior to the day of the meeting the Committee Clerk will advise the applicant of the number of objectors wishing to speak and the length of his/her speaking slot. This slot can be used for supporters or other persons that the applicant wishes to present the application to the Committee.
- 6.8 Where a planning application has been recommended for approval by officers and the applicant or his/her supporter has requested to speak but there are no objectors or Members registered to speak, then the applicant or their supporter(s) will not be expected to address the Committee.
- 6.9 Where a planning application has been recommended for refusal by officers and the applicant or his/her supporter has requested to speak but there are no objectors or Members registered to speak, then the applicant and his/her supporter(s) can address the Committee for up to three minutes.
- 6.10 The order of public speaking shall be as stated in Rule 5.3.
- 6.11 Public speaking shall comprise verbal presentation only. The distribution of additional material or information to Members of the Committee is not permitted.
- 6.12 Following the completion of a speaker's address to the Committee, that speaker shall take no further part in the proceedings of the meeting unless directed by the Chair of the Committee.
- 6.13 Following the completion of all the speakers' addresses to the Committee, at the discretion of and through the Chair, Committee Members may ask questions of a speaker on points of clarification only.
- 6.14 In the interests of natural justice or in exceptional circumstances, at the discretion of the Chair, the procedures in Rule 5.3 and in this Rule may be varied. The reasons for any such variation shall be recorded in the minutes.
- 6.15 Speakers and other members of the public may leave the meeting after the item in which they are interested has been determined.

- For each planning application up to two objectors can address the Committee for up to three minutes each. The applicant or his/her supporter can address the Committee for an equivalent time to that allocated for objectors.
- For each planning application where one or more Members have registered to speak in objection to the application, the applicant or his/her supporter can address the Committee for an additional three minutes.

Agenda Item 6

Committee: Strategic Development	Date: 27 th October 2011	Classification: Unrestricted	Agenda Item No: 6
Report of: Corporate Director Development and Renewal		Title: Deferred Items	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 This report is submitted to advise the Committee of planning applications that have been considered at previous meetings and currently stand deferred. The following information and advice applies to them.

2. DEFERRED ITEMS

- 2.1 The following items are in this category:

Date deferred	Reference number	Location	Development	Reason for deferral
15 th September 2011	(PA/11/0016)	Tower House, 38-40 Trinity Square, London EC3N 4DJ	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 site meeting to be held so that Members may better acquaint themselves with the impact of the proposed development on the surrounding area; The provision of more detailed visual images of the proposed development.

**LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 6**

Brief Description of background papers:

Tick if copy supplied for register:

Name and telephone no. of holder:

Application, plans, adopted UDP, Interim Planning Guidance and London Plan

Eileen McGrath (020) 7364 5321

3. CONSIDERATION OF DEFERRED ITEMS

3.1 The following deferred application is for consideration by the Committee. The original report along with any update reports are attached.

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

3.2 Deferred applications may also be reported in the Addendum Update Report if they are ready to be reconsidered by the Committee. This report is available in the Council Chamber 30 minutes before the commencement of the meeting.

4. PUBLIC SPEAKING

4.1 As public speaking has already occurred when the Committee first considered these deferred items, the Council's Constitution does not allow a further opportunity for public speaking. The only exception to this is where a fresh report has been prepared and presented in the "Planning Applications for Decision" part of the agenda. This is generally where substantial new material is being reported to Committee and the recommendation is significantly altered.

5. RECOMMENDATION

5.1 That the Committee note the position relating to deferred items and to take any decisions recommended in the attached reports.

Agenda Item 6.1

Committee: Strategic Development	Date: 27 th October 2011	Classification: Unrestricted	Agenda Item No: 6.1
Report of: Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Simon Ryan		Ref No: PA/11/00163	
		Ward: St Katharine's and Wapping	

1. APPLICATION DETAILS

Location: Tower House, 38-40 Trinity Square, London EC3N 4DJ
Existing Use: Vacant construction site and Tower Hill Underground station ticket hall

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

Drawing Nos/Documents:

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

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

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

Conservation Area: The Tower Conservation Area

2. RECOMMENDATION

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

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

Financial Contributions

- a) Highways & Transportation: **£103,000**, comprising:
 - o £3,000 towards monitoring the Travel Plan
 - o £50,000 towards the Legible London wayfinding scheme
 - o £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:
 - o Jobs within the hotel developmental end-use phase; or
 - o Jobs or training within Hospitality, Leisure, Travel & Tourism employment sectors in the final development
- c) Leisure & Tourism promotion: **£54,500**; comprising:
 - o £26,500 towards developing a destination map of the Borough for visitors
 - o £28,000 towards business tourism promotion and implementing a programme with Visit London to promote Tower Hamlets as a business tourism destination in the UK, European and International Meeting, Incentive, Conference and Exhibition Market

Non-Financial Contributions

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

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

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

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

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

Informatives

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

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

permission.

3. BACKGROUND

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

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

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

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

4.0 ADDITIONAL LETTERS OF REPRESENTATION

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

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

5.0 ADDITIONAL CONSULTATION RESPONSE

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

6.0 CONSIDERATION OF REQUESTED ADDITIONAL INFORMATION

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

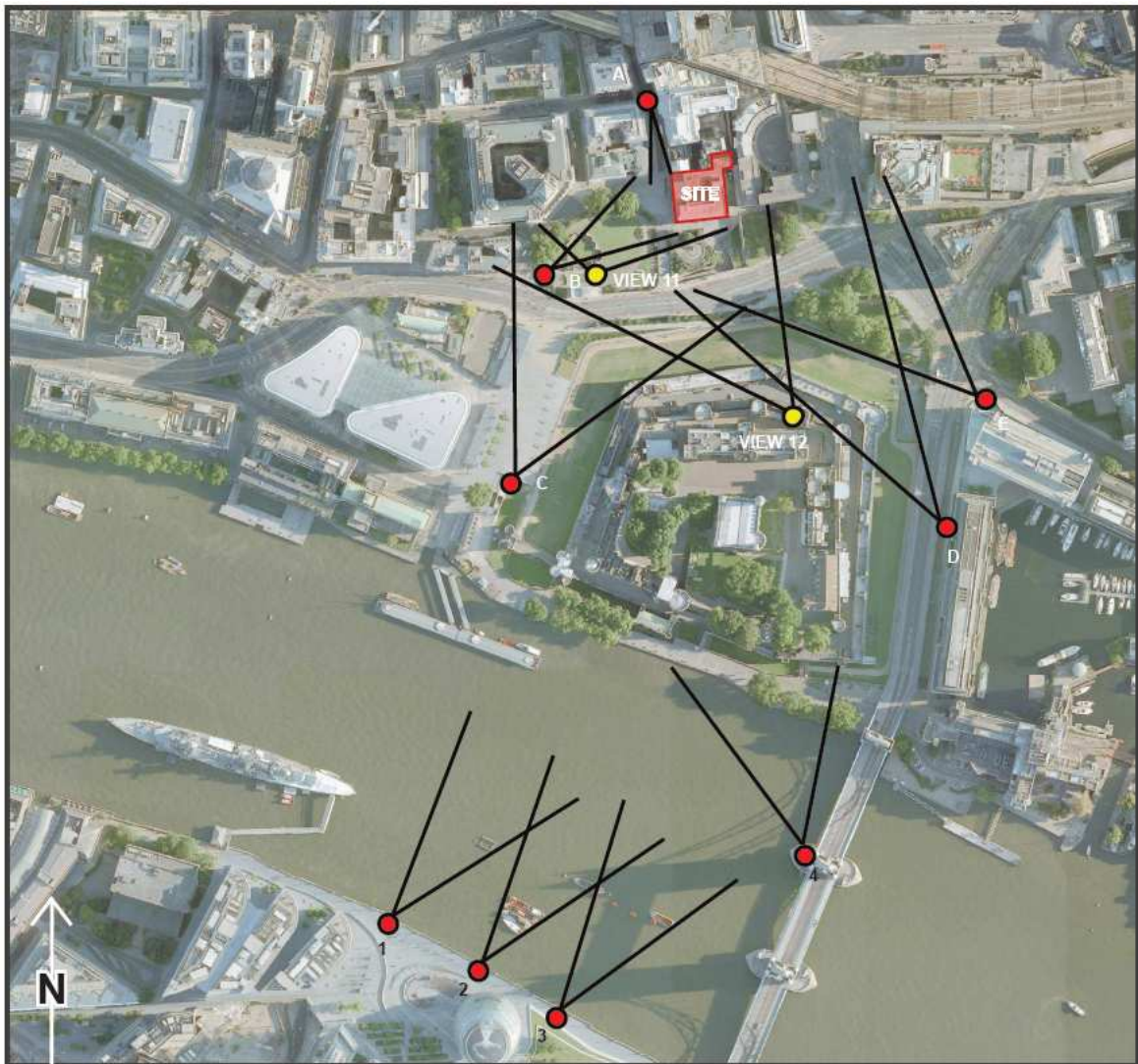


Figure 1: The location of the additional views (views 11 and 12)

- 6.2 For Members' information, figure 1 also shows the views of the proposal already contained within the submitted application documents. Views 1-4 are strategic views as required by the London View Management Framework (London Plan, 2010), whilst views A-E are local views. The newly presented view 11 is from within Trinity Gardens and shows the proposed building within Trinity Square. View 12 is from within the Tower of London. It is acknowledged that this viewpoint is not a typical street view, however it is useful to demonstrate how the proposed building would sit within the crescent of buildings along Trinity Square and also how it would appear within the setting of the Tower.
- 6.3 It is noted from the minutes of the previous Strategic Development Committee meeting that Members questioned the impact of the hotel on Trinity House. It is considered that additional views 11 and 12 (**figures 2 and 3, overleaf**) assists in demonstrating that whilst the proposed building would be inter-visible with Trinity House from a number of key locations, the height of the new building would not be overly dominant, would not be higher than other buildings directly adjacent to Trinity House, and would, in officers' opinion, by virtue of the clear silhouette, simple fenestration and detailing of the new building, form an appropriate neutral backdrop.
- 6.4 View 11 also demonstrates how the proposed building would relate to the two linked memorials in Trinity Square Gardens; the 1914-1918 War Memorial designed by Edwin Lutyens, and the 1939-1945 Memorial designed by Edward Maufe - with stone steps descending into a sunken garden. Both are highly important structures and

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



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



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

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

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

7.0 RECOMMENDATION

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

8.0 CONCLUSION

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

8.0 APPENDICIES

8.1 Appendix One - Committee Report to Members on 15^h September 2011

8.2 Appendix Two – Addendum Report to Members on 15th September 2011

APPENDIX 1

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

1. INTRODUCTION

- 1.1 This item previously appeared on the agenda for the Strategic Development Committee, scheduled for 4th August 2011. However, on the day of the Committee there was lack of clarity as to whether all consultees had received consultation letters. In view of this lack of clarity, officers withdrew the item from the agenda and as a consequence, the item was not considered by the Committee.
- 1.2 Prior to the 4th August 2011 Committee, the Council received some late representations, which have now been incorporated into this report.

2. APPLICATION DETAILS

Location:	Tower House, 38-40 Trinity Square, London EC3N 4DJ
Existing Use:	Vacant construction site and Tower Hill Underground station ticket hall
Proposal:	Erection of a 9-storey building with basement, comprising a 370-room hotel (Use Class C1) with associated ancillary hotel facilities including cafe (Use Class A3), bar (Use Class A4) and meeting rooms (Use Class B1) with plant and storage at basement and roof level. The application also proposes the formation of a pedestrian walkway alongside the section of Roman Wall to the east of the site; the creation of a lift overrun to facilitate a lift shaft from ticket hall level to platform level within the adjacent London Underground station and associated step free access works; works of hard and soft landscaping; and other works incidental to the application
Drawing Nos:	<ul style="list-style-type: none">• 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, 20_241 G, 21_401 C, 21_405 C, 21_406 B, 79_203, 79_413 D, 90_206 C and 90_252 A• Design and Access Statement• Design and Access Statement Addendum (incorporating public realm and landscaping works) dated June 2011• Impact Statement dated January 2011• Archaeological Assessment dated September 2002• Townscape, Visual Impact and Built Heritage Report
Applicant:	CitizenM Hotels
Owner:	Various, including London Underground Ltd, TfL, Historic Royal Palaces, The Corporation of London, Tower Hill Improvement Trust, DEFRA and EDF
Historic Building:	No – however the adjacent buildings at nos. 41 and 42 Trinity Square are Grade II Listed, whilst portions of the adjacent Roman Wall are

3 SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 3.1
- A hotel-led scheme will contribute to the strategic target for new hotel accommodation. It will complement the Central Activity Zone's role as a premier visitor destination and in this respect, will support London's world city status. The scheme therefore accords with policy 4.5 of the London Plan (2011), saved policies ART1, EMP3 and CAZ1 of the Council's Unitary Development Plan (1998), policies SP06 and SP12 of the Core Strategy Local Development Framework (2010) and policies EE2 and CFR15 of the Council's Interim Planning Guidance (October 2007) which seek to promote tourism and hotel developments within the Central Activity Zone
 - The ancillary cafe (Use Class A3), bar (Use Class A4) and meeting rooms (Use Class B1) are acceptable as they will provide for the needs of the development and demand from surrounding uses, and also present employment in a suitable location. As such, it is in line with saved policies DEV1 and DEV3 of the Council's Unitary Development Plan (1998), policy SP06 of the Core Strategy Local Development Framework (2010) and policies DEV1 and CFR1 of the Council's Interim Planning Guidance (October 2007) which seek to support mixed use developments and local job creation
 - The height, materials, scale, bulk and design of the building is acceptable and is considered to respect, preserve and enhance the character and setting of the Tower of London World Heritage Site, the Tower Conservation Area, the adjacent Listed Buildings and the adjacent Scheduled Ancient Monument. As such, the proposal is in accordance with Planning Policy Statement 5 (2010), policies 7.3, 7.8, 7.9 and 7.10 of the London Plan (2011) as well as saved policy DEV1 of the LBTH UDP (1998), policies DEV2, CON1, CON2 and CFR18 of the Interim Planning Guidance (2007) and policies SP10 and SP12 of the Core Strategy Development Plan Document (2010) which seek to protect the character, appearance and setting of heritage assets. The proposal is also in accordance with the aims and objectives of Tower of London World Heritage Site Management Plan (Historic Royal Palaces, 2007)
 - The proposal does not detrimentally impact upon protected views as detailed within the London Plan London Views Management Framework Revised Supplementary Planning Guidance (July 2010) and maintains local or long distance views in accordance policies 7.11 and 7.12 of the London Plan (2011) and policy SP10 of the Core Strategy Development Plan Document (2010) which seek to ensure large scale buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.
 - The development and associated public realm are considered to be inclusive and also improves the permeability of the immediate area. As such, it complies with policies 7.2, 7.4 and 7.5 of the London Plan (2011), saved policy DEV1 of the Council's Unitary Development Plan (1998), policy SP09 of the Core Strategy (2010) and policies DEV3, DEV4, CFR1, CFR2 and CFR18 of the Council's Interim Planning Guidance (October 2007) which seek to maximise safety and security for those using the development and ensure public open spaces incorporate inclusive design principles. The scheme is also in accordance with the aims of the Tower of London World Heritage Site Management Plan (2007) which seeks to improve public realm and linkages to the Tower of London
 - It is not considered that the proposal would give rise to any undue impacts in terms of privacy, overlooking, sunlight and daylight, and noise upon the surrounding residents

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

- Transport matters, including parking, access and servicing, are acceptable and in line with London Plan policies 6.4, 6.7, 6.9, 6.10, 6.11, 6.12 and 6.13 of the London Plan (2011), saved policies T16 and T19 of the Council's Unitary Development Plan (1998), policy SP09 of the Core Strategy Local Development Framework (2010) and policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007), which seek to ensure developments minimise parking and promote sustainable transport options.
- Sustainability matters, including energy, are acceptable and in line with policies 5.1 – 5.3 of the London Plan (2011), policy SP11 of the Core Strategy Local Development Framework (2010) and policies DEV5 to DEV9 of the Council's Interim Planning Guidance (October 2007), which seek to promote sustainable, low carbon development practices.
- Financial contributions have been secured towards the provision of transport and highways improvements; employment & training initiatives; and leisure and tourism promotion in line with Government Circular 05/05, the Community Infrastructure Levy Regulations 2010, saved policy DEV4 of the Council's Unitary Development Plan (1998) and policy SP13 of the Core Strategy (2010) which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

4 RECOMMENDATION

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

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

Financial Contributions

- a) Highways & Transportation: **£103,000**, comprising:
 - £3,000 towards monitoring the Travel Plan
 - £50,000 towards the Legible London wayfinding scheme
 - £50,000 towards the Cycle Hire Scheme
- b) Employment & Enterprise: **£105,642** towards the training and development of unemployed residents in Tower Hamlets to access either:
 - Jobs within the hotel developmental end-use phase;
 - Jobs during the construction phase of the development;
 - Jobs or training within Hospitality, Leisure, Travel & Tourism employment sectors.
- c) Leisure & Tourism promotion: **£54,500**; comprising:
 - £26,500 towards developing a destination map of the Borough for visitors
 - £28,000 towards business tourism promotion and implementing a programme with Visit London to promote Tower Hamlets as a business tourism destination in the UK, European and International Meeting, Incentive, Conference and Exhibition Market

Non-Financial Contributions

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

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

- 4.2 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above.
- 4.3 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

Conditions

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

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

4.4 Informatives

- 1) Section 106 agreement required;
 - 2) Section 278 & 72 Highways agreements required;
 - 3) Contact Thames Water regarding installation of a non-return valve, petrol/oil-interceptors, water efficiency measures and storm flows;
 - 4) Changes to the current licensing exemption on dewatering;
 - 5) Contact LBTH Environmental Health;
 - 6) Contact Environment Agency;
 - 7) Section 61 Agreement (Control of Pollution Act 1974) required;
 - 8) Closure of road network during Olympic and Paralympic Games
 - 9) Contact London Fire & Emergency Planning Authority; and
 - 10) Any other informative(s) considered necessary by the Corporate Director Development & Renewal.
- 4.5 That, if by 1st November 2011, the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

5 PROPOSAL AND LOCATION DETAILS

Proposal

- 5.1 The application proposes the erection of a 9-storey building with basement, comprising a 370-room hotel with associated ancillary hotel facilities including café and bar at ground floor level bedrooms and meeting rooms at upper floor levels. Plant and storage facilities are contained at basement and roof level.
- 5.2 The application also proposes associated site-wide hard landscaping and highways works, together with step-free access works within the vicinity of the application site and Tower Hill Underground Station. The hotel is proposed to be serviced on-street from Trinity Square.
- 5.3 The proposal incorporates the retention of the existing Tower Hill Station ticket hall and proposes the introduction of step free access within the station to the platforms, as well as improvements to the street level ticket hall such as new signage, lighting, public art and an external canopy.

Site and Surroundings

- 5.5 The site, which measures 0.19ha in area, is located within the westernmost area of the Borough, close to the boundary with the City of London. The site is presently occupied by a single storey ticket hall for the Tower Hill London Underground Station, following the demolition of buildings which previously sat above and around the ticket hall, namely two brick buildings and a 6 storey post-war office block. These were demolished following the granting of Conservation Area Consent in 2005, as detailed below.
- 5.6 The site lies approximately 75m north of the outer wall of the Tower of London and is part of a group of buildings which form a backdrop to the Tower. The site is located upon a prominent corner and is bounded by a pedestrian route, Trinity Place, to the south; Trinity Square (the street around Trinity Square Gardens) to the west; the listed terraced buildings at nos. 41 and 42 Trinity Square directly to the north; and a brick building containing an electricity substation, which has its main frontage to The Crescent, to the east. The site is

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

- 5.7 Whilst the land use in the surrounding area is predominantly commercial or civic, the built form within the area varies in height, scale, materials and age. Immediately adjacent to the site are nos. 41 and 42 Trinity Square, a pair of Grade II listed terraced properties of 5 and 4 storeys in height respectively. The scale of buildings further to the north along Coopers Row increases substantially; the Grange Hotel, built between 1961 and 1963 rises to 12 storeys in height, and beyond is situated No.1 America Square, completed in 1991, which is built over the railway line into Fenchurch Street station and is 15 storeys high. Immediately to the east of the site is a brick built electricity substation, beyond which lies the 5 storey London Guildhall University building, with frontages to Trinity Place and the Minories. The back of the building encloses the Crescent which comprises a terrace of properties in predominantly commercial use.
- 5.7 Within Trinity Square, the buildings around the square are largely built of Portland Stone, are broadly neo-classical in style and are mostly 5-7 storeys in height, with the exception of the Port of London Authority Building which is significantly taller. Most of the buildings date from the early 20th Century with the exception of Trinity House which dates from the late 18th Century. The statutory status of the various heritage assets within the area are detailed below.
- 5.8 The site is separated from the Tower of London by the busy Tower Hill road and the public realm immediately to the south of the site. The public realm is set over a number of levels to accommodate the pedestrian underpass to the Tower of London, the Tower Hill Underground Station entrance and Wakefield Gardens – an area of soft landscaping and a raised platform which offers direct views of The Tower.
- 5.9 In terms of built heritage, the application site is located within the Tower Conservation Area and is approximately 65 metres to the north of the Tower of London World Heritage Site. The site is also within close proximity of the Crescent Conservation Area, the Lloyd's Avenue Conservation Area and the Fenchurch Street Conservation Area, all of which are located within the City of London. There are a number of listed buildings within the wider vicinity, including:
- The Grade II listed nos. 41 and 42 Trinity Square immediately adjacent to the north;
 - Portions of the adjacent Grade I Listed Roman London Wall (also a Scheduled Monument);
 - The Grade II Listed Port of London Authority building at 10 Trinity Square;
 - The Grade I Listed Trinity House within Trinity Square;
 - The Grade II Listed railings to Trinity Square
 - The Grade I Listed Church of All Hallows;
 - The Grade II* Listed Merchant Seamen's Memorial in Trinity Gardens;
 - The Grade II Mercantile War Memorial in Trinity Gardens; and
 - The Tower of London, which is Grade I Listed, a World Heritage Site and a Scheduled Monument
- 5.10 The adjacent open space of Trinity Square Gardens is also a protected London Square. The proposed building is located within Townscape View 25A.1 – 3 (The Queen's Walk to Tower of London) of the London View Management Framework SPG (2010), and also falls within River Prospect 10A.1 (Tower Bridge) as defined by the LVMF SPG.
- 5.11 In terms of the Development Plan context, the site is located within the Central Activities Zone (CAZ). The site is also designated as a development site (reference CF33) within the Interim Planning Guidance City Fringe Area Action Plan (2007), which cites employment (B1), retail (A1-A4) and public open space as the preferred uses.

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

Relevant Planning History

5.13 The following planning decisions are relevant to the application:

- PA/02/01400 Planning permission was granted on 25th April 2005 for the redevelopment to provide offices, accommodation for London Underground, tourist information/retail kiosk together with associated car parking, servicing and plant in a seven storey building plus basement and plant room and creation of a pedestrian passageway alongside the west side of the section of Roman wall abutting the east side of the existing building. This permission has been implemented by way of demolition of the existing buildings and installation of services to the site. Pre-commencement conditions have also been discharged
- PA/02/01401 Conservation Area Consent was granted on 25th April 2005 for the demolition of buildings on site. This consent has been implemented following the demolition of all buildings in 2009
- PA/07/00266 Permission was granted on 20th April 2007 to allow the variation of condition 2 of planning permission reference PA/02/1400 to allow internal and external alterations. These included the removal of basement car parking and the replacement with plant, internal layout rearrangements, removal of plant from roof and replacement with office accommodation and replacement of louvered walls with glazing
- PA/08/00593 Permission was granted on 11th June 2008 to allow the variation of condition 2 of planning permission reference PA/02/1400 to allow further internal and external alterations, the most significant being the replacement of the roof terrace with office accommodation and the 7th floor being moved southwards by 4.5m to the rear of the pergola supports
- PA/10/01735 An application was received in August 2010 for the following: Erection of a 9-storey building with basement, comprising a 370-room hotel (Use Class C1) with associated ancillary hotel facilities including café (Use Class A3), bar (Use Class A4) and meeting rooms (Use Class B1) with plant and storage at basement and roof level. The application also proposes the formation of a pedestrian passageway alongside the section of Roman wall to the east of the site together with associated site-wide hard and soft landscaping. The application was withdrawn by the applicant on 10th November 2010.

6. POLICY FRAMEWORK

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

Unitary Development Plan 1998 (as saved September 2007)

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

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

Interim Planning Guidance for the purposes of Development Control

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

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

Supplementary Planning Guidance/Documents

- 6.4
- Designing Out Crime
 - Landscape Requirements

Local Development Framework Core Strategy (2010)

6.5

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

New London Plan 2011

6.6

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

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

London Plan – Relevant Supplementary Planning Guidance

- | | |
|-----|--|
| 6.7 | <ul style="list-style-type: none"> • Accessible London: Achieving an Inclusive Environment (April 2004) • Sustainable Design and Construction (May 2006) • London View Management Framework (July 2010) |
|-----|--|

Government Planning Policy Guidance/Statements

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

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

- 6.10 The following Community Plan objectives relate to the application:
- A better place for living safely
 - A better place for creating and sharing prosperity
 - A better place for excellent public services

7. CONSULTATION RESPONSE

- 7.1 The views of officers within the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 7.2 The following were consulted regarding the application:

LBTH Accessibility Officer

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

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

LBTH Communities, Localities and Culture

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

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

LBTH Crime Prevention Officer

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

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

LBTH Enterprise & Employment

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

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

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

LBTH Environmental Health

7.7 Environmental Health (Air Quality)

No objections, subject to the imposition of a Construction Environment Management Plan.

Environmental Health (Commercial Health & Safety)

No objections

Environmental Health (Contaminated Land)

No objections subject to the attachment of an appropriate condition requiring any contaminated land to be properly treated and made safe before development commences

Environmental Health (Food Safety)

No objections subject to the attachment of an appropriate informative regarding food safety

Environmental Health (Noise & Vibration)

No objection subject to the imposition of a condition requiring the approval of a Construction Management Plan and conditions to limit noise associated with plant and machinery.

Environmental Health (Smell/Pollution)

Details of any extraction, ventilation and filtration systems to be installed should be submitted for approval

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

LBTH Highways

7.8 Parking

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

Coach Parking

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

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

Cycle Parking

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

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

Trip Generation

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

Servicing Arrangements

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

Widening of Pavement in Trinity Square

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

Oversailing of Canopy

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

S106 Contributions

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

Conditions

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

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

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

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

LBTH Investment & Business

7.9 No objections, subject to securing the following contributions:

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

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

LBTH Sustainable Development

7.9 Energy

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

Sustainability

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

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

LBTH Waste Policy & Development

7.10 No comments received.

Ancient Monuments Society (statutory consultee)

7.11 No comments received.

City of London Corporation (statutory consultee)

- 7.12
- The proposal appears to be at odds with the advice contained within the draft Tower of London Local Setting Study, which commented that the [previously approved] 8-storey office building would have an extensively glazed façade, increasing the sense of commercial architecture facing the Tower
 - Advise LBTH to consider whether the proposed development, because of its predominantly glazed design would detract from the setting of the Tower of London World Heritage Site
 - The City's policy for developments of this nature is to request that all servicing is carried out within the premises and not on public highway, however, it is acknowledged that additional analysis and assessment has been undertaken to demonstrate that the impact of the proposal is likely to be minimal.
 - Should planning permission be granted for this development, the City would expect that all servicing is carried out between the hours of 1000 and 1600 hours, which fall outside of peak pedestrian footfall

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

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

English Heritage (statutory consultee)

7.13 Ancient Monuments

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

Archaeology

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

Historic Buildings and Areas

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

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

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

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

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

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

Environment Agency (statutory consultee)

7.14 No objections.

Historic Royal Palaces (statutory consultee)

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

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

London Borough of Southwark (statutory consultee)

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

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

7.17 No objections.

London Underground (statutory consultee)

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

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

Transport for London (TfL) (statutory consultee)

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

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

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

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

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

EDF Energy Networks

7.21 No comments received.

HM Tower of London

7.22 See Historic Royal Palaces' comments

London Wildlife Trust

7.23 No comments received.

Tower Hill Improvement Trust

7.24 No comments received.

Thames Water

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

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

(OFFICER COMMENT: Conditions have been attached as requested)

8. LOCAL REPRESENTATION

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

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

8.2 The following local groups/societies made representations:

- Trinity Square Group, in objection.

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

In Objection

Design & Conservation

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

Land Use

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

Highways & Transportation

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

any other authorities. Nevertheless, with regard to the disparities between the submitted pedestrian flows and those identified in the THGI report, LBTH Highways do not consider it appropriate to compare pedestrian flows representative of an hour with those of a three hour period, respectively)

- Policy recognises that there is a need for improvement of the ability for pedestrians, in particular commuters and tourists, to use the immediately adjoining public highways within a safe and acceptable environment. The proposed development would worsen the situation

Amenity

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

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

In Support

Employment

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

Design & Conservation

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

Step Free Access Works

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

Land Use

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

Other

- The additional signage is welcomed and would benefit the area

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9. MATERIAL PLANNING CONSIDERATIONS

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

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

Land Use

- 9.2 The application proposes the erection of a 370-room hotel (Use Class C1) with associated ancillary hotel facilities including café and bar (Use Classes A3 and A4 respectively) at ground floor level and meeting rooms (Use Class B1) at upper floor levels.
- 9.3 The site is located within the Central Activities Zone, where mixed use developments are encouraged to provide vitality and diversity in Central London. The Central Activities Zone is recognised as not only an area of business growth, but also an area where recreational, commercial, social and cultural uses are also important in supporting role of the CAZ and the quality of life for those living, working and visiting the area.
- 9.4 According to the adopted London Plan, tourism is seen as a key growth industry for London. To accommodate this growth, Policy 4.5 of the London Plan (2011) specifies a target of 40,000 net additional hotel bedrooms by 2031 respectively. The policies identify the Central Activities Zone (CAZ) as a priority location for new hotel accommodation and seek to maximise densities. Policy 4.5 also states that new visitor accommodation should be delivered in appropriate locations, where there is good public transport access, and further intensification of provision in areas of existing concentration within the CAZ should not be resisted, except where this will compromise local amenity or the balance of local land uses. Whilst it is acknowledged that there is a growing cluster of hotels within the immediate vicinity, such as those found in Coopers Row, it is considered that the area is an appropriate location for hotels given its role as a significant transport node, and would also maintain a healthy balance of land uses including retail and office.
- 9.5 Saved policies ART7 and CAZ1 of the UDP (1998) state that the Council will normally give favourable consideration to major hotel developments within the Central Area Zone (CAZ). In addition to this, policy SP06 of the Core Strategy (2010) states that hotel developments should be concentrated in the Central Activities Zone and City Fringe Activity Area, both of which the application site is located within.
- 9.6 It is recognised that the IPG City Fringe Area Action Plan (2007) specifically identifies the application site for office based employment (Use Class B1), as well as retail (A1, A2, A3 and A4) and public open space. However, in light of the direct and indirect employment opportunities that will be created by the proposal, together with the public realm benefits proposed and the objectives of the abovementioned policies, it is considered on balance that

the proposed land uses are acceptable.

Employment

- 9.7 Saved UDP policy EMP3 and policy EE2 of IPG (2007) consider the change of use and redevelopment of outmoded or surplus office floorspace and seek to protect it wherever possible.
- 9.8 As detailed above within this report, the application site benefits from an extant planning permission for an office development which was approved in 2005. Whilst the application at the time did not state the anticipated level of employment, it is generally considered that it would be higher than the proposed hotel, which the applicant details would employ between 70-90 people on a full time basis.
- 9.9 The applicant has submitted an Office Demand Report within their Impact Statement. It concludes that the application site, due to its location on the fringe of the city and in particular, the EC3N eastern submarket of the City of London's EC3 insurance district, is constrained by competition from proposed developments in more prime locations.
- 9.10 Notwithstanding the above, given the acceptability of the hotel use and the economic benefits arising from tourism and additional visitor facilities, it is considered that on balance, the level of employment together with the broad range of job opportunities provided and given the ability to ensure the resultant jobs are maximised in a manner that can benefit local residents via the S.106 agreement, it is considered that an anticipated lower level of employment is justified in accordance with policies EMP3 of the UDP 1998, SP06 of the Core Strategy (2010) and EE2 of the IPG (2007).

Design

- 9.11 Good design is central to all the objectives of the London Plan. Chapter 7 of the London Plan (2011) specifies a number of policies aimed at high quality design, which incorporate the principles of good design and sets high design standard objectives in order to create a city of diverse, strong, secure and accessible neighbourhoods as well as a city that delights the senses. In particular, policy 7.2 seeks to achieve the highest standards of inclusive and accessible design; policy 7.4 requires development to have regard to the form, function and structure of an area, place or street and scale, mass and orientation of buildings around it; whilst policy 7.5 seeks to enhance the public realm by ensuring that London's public spaces are secure, accessible, easy to understand and incorporate the highest quality landscaping, planting, furniture and surfaces.
- 9.12 Policies DEV1 and DEV2 of the UDP (1998) and the IPG (2007) state that the Council will ensure development create buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings.
- 9.13 Policy SP10 of the Core Strategy (2010) seeks to ensure that developments promote good design to create high quality, attractive and durable buildings, whilst the Vision for the Tower of London, as detailed within Annex 9 of the Core Strategy, prioritises, inter alia, the improvement of the overall quality of the public realm, regeneration to provide improvements to accessibility from the Tower of London to surrounding areas and new development to be of the highest quality and creatively respond to the historic character of the area.
- 9.14 Lastly, policy CFR18 of the IPG City Fringe Area Action Plan (2007), requires new development within the St. Katharine's sub-area to be integrated with the public realm, appropriately address heritage assets and promote major public realm enhancements, including the creation of new and connected public spaces and substantial improvements to the Tower Gateway public transport interchange to create an attractive and memorable entrance to Tower Hamlets and the Tower of London. The policy also requires development

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

Analysis

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



Image 1: the proposal as viewed from Trinity Square Gardens

- 9.16 As can be seen in **Image 1** above, the proposed building takes the approximate form of a square in plan and a cuboid in volume, with a set back top. The ground floor is divided between the Tower Hill London Underground ticket and exit hall on its southern side, with the proposed hotel's reception, lobby, café and bar area in the northern side. A canopy runs over the majority of the ground floor. In terms of materials, the ground floor is largely glazed with some areas of stone, whilst the middle element (floors 1-6) of the building is framed by Portland stone with clear glazed windows with horizontal ceramic frits glass and vertical metal fins providing a scattered fenestration pattern. As can be seen below, the west façade (as well as the north) incorporates a logo etched into Portland stone.
- 9.17 The upper floor levels are set back from the main building line along their southern and western frontages and at the south east corner. These floors have a metal frame and the elevations have full height vertical fins of metal with a clear glazing.
- 9.18 The scale, mass and height of the building is considered to be appropriate to the surrounding context. As detailed earlier in this report, the area is characterised by a range of building heights and a varied roofline, with heights varying from 4-5 storeys in height at the adjacent

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



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

- 9.19 The design, in particular the materials and articulation of the principle façades, is the result of extensive discussion between the applicant and officers. It is considered that the division of the building into a clear base, middle and top successfully respects the general form and expression of buildings around Trinity Square. In particular, the recessed bands running horizontally around the proposed building are aligned in order to respect the plinth and cornice line of neighbouring building at the adjacent 41 Trinity Square, whilst the use of Portland stone in general respects the predominant facing material of the buildings situated in Trinity Square.
- 9.20 In terms of the impact of the proposal upon the public realm, it will reinstate the continuity of built form along Trinity Square and Trinity Place, improving the definition of both and also provide active frontages on both the west and east frontages with the hotel lobby and terrace respectively. The proposed public realm works also expand the pedestrianised area immediately beyond the Underground station exit hall to the south and west, which when considered alongside the step free access works around the station (discussed later in the report) would significantly contribute to the pedestrian environment, as required by policy CFR18 of the City Fringe Area Action Plan. Furthermore, it is not considered that the proposed glazed lift overrun would appear as an incongruous feature within the public realm.
- 9.21 With regard to Core Strategy policy SP10's requirements for development to be of the highest quality and to creatively respond to the historic character of the area, it is considered that the proposal successfully achieves this. It is not seeking to repeat or mimic the historic context, but rather to produce a clearly modern building, with the appropriate presence a hotel needs without being unduly prominent in its context. It is thus fittingly civic and at an

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

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

Heritage and Conservation

- 9.24 PPS5 (Planning and the Historic Environment) requires local planning authorities who consider proposals which affect a heritage asset, such as a World Heritage Site, Listed Building, scheduled monument or a conservation area, to have special regard to the preservation and enhancement of the setting of the asset. In particular, policy HE9.1 of PPS5 states that there should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be.
- 9.25 Chapter 7 of the London Plan (2011) sets out policies relating to London's living places and spaces. Policies 7.8 and 7.9 seek to preserve, record, refurbish and enhance heritage assets wherever appropriate and reinforce the qualities that make the heritage asset significant, including buildings, landscape features and views.
- 9.26 Policy 7.10 of the London Plan (2011) refers to World Heritage Sites and requires new development not to have a negative impact on the Site's Outstanding Universal Values, whilst policies 7.11 and 7.12 refer to the London View Management Framework, of which the site falls within, including views 25A.1 and 25A.2 and the Tower Bridge River Prospect.
- 9.27 Policy SP10 of the Core Strategy (2010) seeks to ensure that new development preserves or enhances the wider built heritage and historic environment of the borough, enabling the creation of locally distinctive neighbourhoods. The Vision for the Tower of London area, as detailed within Annex 9 of the Core Strategy, prioritises the continued protection and enhancement of the Outstanding Universal Value of the Tower of London World Heritage Site and its setting, whilst also improving the overall quality of the public realm and accessibility. Other principles include ensuring that buildings respond sensitively to the setting of the Tower of London and do not negatively impact on strategic or local views, and seeking the highest architectural quality.
- 9.28 Policies CON1 – CON5 of the IPG (2007) seek to protect heritage assets such as Listed Buildings, conservation areas, ancient monuments and important views. Policy CFR18 of the City Fringe Area Action Plan requires new development to respect the setting of the Tower of London and the Tower Conservation Area.
- 9.29 As detailed above within section 6 of this report, an additional material consideration is the guidance contained within the Tower of London World Heritage Site Management Plan (Historic Royal Palaces, 2007) and the Tower of London World Heritage Site Local Setting Study (Tower of London World Heritage Site Consultative Committee, November 2010). The application site is located within the defined local setting of the Tower of London WHS. These promote high standards of architectural design which is appropriate to the context, seek ways in which to mitigate the impact of major roads and improve the way in which pedestrians experience the local setting. In particular, the documents aim to:
1. Ensure that the Tower is the dominant building from within the local setting (night and day)

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

Analysis

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

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

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

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

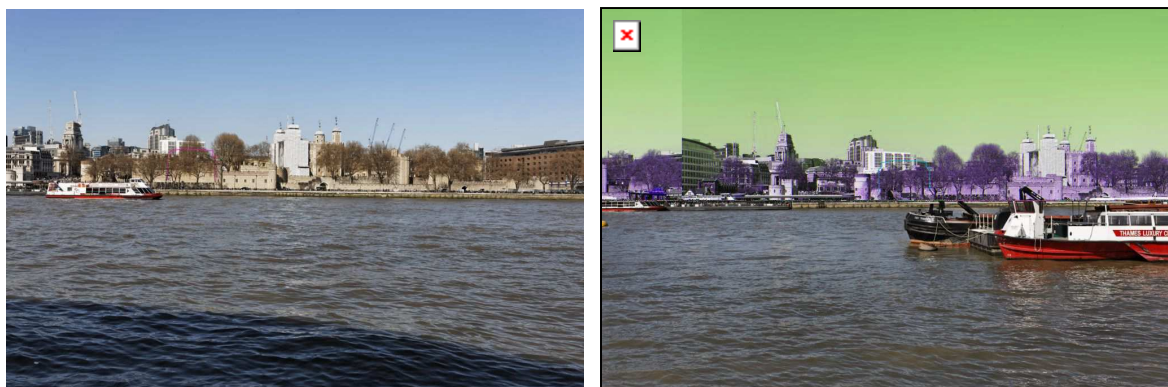
"Overall, the physical interventions appear to be modest and there will be little or no impact on the view north from the Tower wall walk, or views out from the World Heritage Site. The scheme does not conflict with any of the aims or objectives of the recently published Tower of London Local Setting Study."

Historic Royal Palaces therefore has no objection in principle to the revised proposals, subject to agreement of an appropriate detailed design and the materials to be used"

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

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

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



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

- 9.34 With regard to the London View Management Framework, of which the site falls within, including views 25A.1, 25A.2 and 25A.3 (as shown above in **Images 3 & 4**) and the Tower Bridge River Prospect, it is not considered that the proposal would appear unduly prominent within these views, as supported by English Heritage within their consultation response.
- 9.35 In light of the above, it is considered that the proposal is acceptable in heritage and conservation terms, and would protect and enhance the setting of the numerous heritage assets within close proximity of the site, including listed buildings, the Tower Conservation Area, the Roman Wall scheduled monument and the Tower of London World Heritage Site. The proposal is therefore in accordance with PPS5 and the abovementioned development plan policies.

Step Free Access Works and Inclusive Design

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

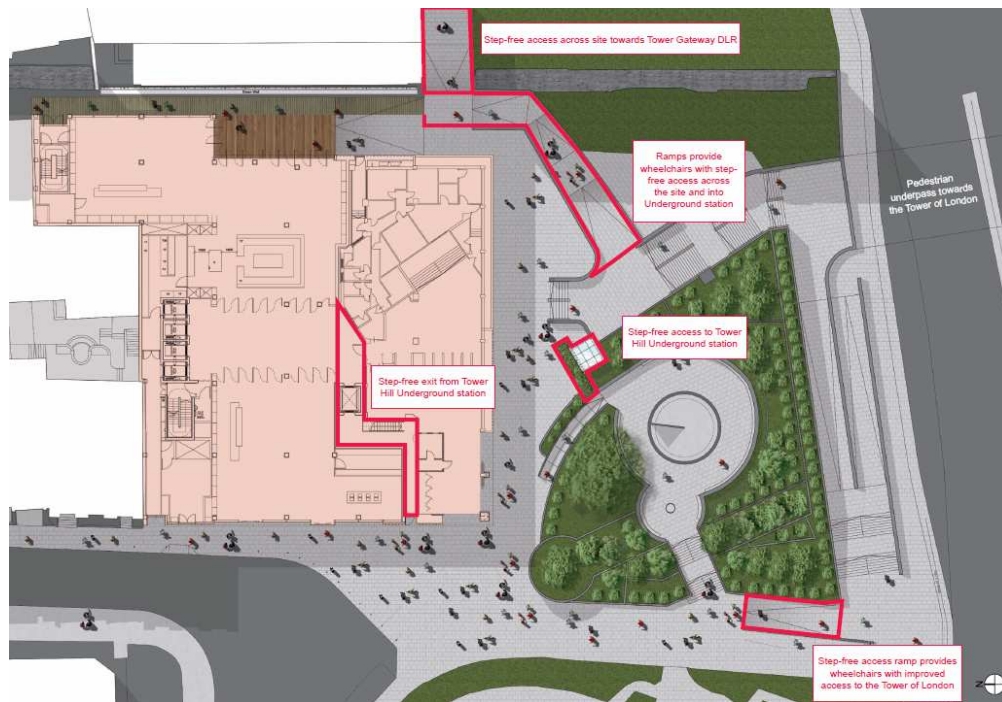


Image 5: The proposed Step Free Access Works

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

9.38 London Underground have commented as follows upon the proposal:

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

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

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

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

Transportation & Highways

- 9.41 PPG13 and the London Plan (2011) seek to promote sustainable modes of transport, accessibility, and reduce the need to travel by car.
- 9.42 Saved UDP policies T16, T18, T19 and T21 require the assessment of the operation requirements of the development proposal and the impacts of traffic generation. They also seek to prioritise pedestrians and encourage improvements to the pedestrian environment. IPG policies DEV 16, 17, 18 and 19 require the submission of transport assessments including travel plans and set maximum parking standards for the Borough. Core Strategy policies SP08 and SP09 seek to deliver accessible, efficient and sustainable transport network and to ensure new development has no adverse impact on the safety and capacity of the road network, whilst ensuring that new developments have a high level of connectivity with the existing and proposed transport and pedestrian network.
- 9.43 As detailed within section 5 of this report, the site has an excellent level of accessibility to public transport, with a Public Transport Access Level of 6b ('Excellent') where 1 represents the lowest and 6b the highest. As detailed above, the site is located immediately adjacent to and above Tower Hill Underground station, which is served by the District and Circle Lines, with Tower Gateway DLR station approximately 100 metres to the east and Fenchurch Street mainline station 140 metres to the north of the site. Numerous bus routes also serve a number of surrounding streets, including routes 15, 25, 42, 78, 100 and RV1, whilst river taxi services also call at the nearby St Katharine's Pier and Tower Millennium Pier.
- 9.44 The proposal does not affect the layout of the integrated Tower Hill Underground station, apart from the establishment of step free access as detailed above. The surrounding highway network is to remain largely unaltered, with the exception of a small area of the Trinity Square turning head immediately to the west of the site, which is to be pedestrianised, which is considered to benefit pedestrian movement and in particular passenger access and egress from Tower Hill Underground station, thereby improving the permeability of this site and improve local connectivity in the area in line with the relevant transport, pedestrian and public realm policies outlined above. The existing taxi bay on Trinity Square will remain in-situ.

Car Parking

- 9.45 Policy 6.13 of the London Plan (2011), saved Policy T16 of the UDP, policies DEV17, DEV18 and DEV19 of the IPG and Policy SP09 of the Core Strategy seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 9.46 The proposed development is entirely car-free and given that the site has a Public Transport Access Level (PTAL) of 6b (excellent), this is considered to be acceptable.

Coach Parking

- 9.47 Planning Standard 3 of the Interim Planning Guidance (2007) requires a coach parking bay to be provided for every 100 hotel bedrooms. IPG policy DEV19 states that proposals which do not accord with the standard should demonstrate that the variation is necessary through a detailed transport assessment.
- 9.48 The application does not propose any provision for on-site coach parking, however, within the submitted Servicing and Coach Management Plan, the applicant states that any parking of coaches (including pick up and set down) would be undertaken at the nearby Tower Hill

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

- 9.49 Both TfL and LBTH Highways are satisfied that coaches and servicing vehicles can access the site from Cooper's Row and egress from Trinity Square onto Tower Hill/Byward Street, and the applicant has demonstrated that large luxury coaches are able to safely access Trinity Square from the north via Cooper's Row. However, it is acknowledged that the site has high pedestrian movements and given the proposal incorporates on-street servicing (discussed below) any coach parking should not take place in Trinity Square.
- 9.50 Accordingly, the applicant has agreed to an obligation within the s106 legal agreement which prevents the applicant from accepting any bookings that may result in users of the development being transported to and from the site in coaches which set down, park or pick up passengers within the immediate vicinity of the site. As detailed below in the analysis of the servicing and delivery aspects of the proposal, a condition has also been attached which requires the submission of a Delivery and Servicing Management Plan, as well as a condition which only allows servicing during the off-peak periods identified within the submitted pedestrian and vehicle movement periods. Officers consider that such measures would significantly reduce the likelihood of coaches arriving at the hotel and therefore any conflict between coaches and servicing vehicles.
- 9.51 In conclusion, given the site's city fringe location, its excellent PTAL rating (being located immediately adjacent to an Underground Station and within close proximity of DLR, national rail and bus links), the proximity of the dedicated Tower Hill Coach Park together with the aforementioned obligation preventing the proposed hotel from accepting bookings from tour operators, travel agents or other persons that may result in users of the development being transported to and from the site in coaches which set down and pick up/drop off passengers at the site, it is considered that the likelihood of coaches arriving at the hotel is minimised and therefore would not unduly detriment pedestrian movement nor the safe operation of the highway. The proposal is therefore considered to accord with the aforementioned development plan policies.

Servicing and Deliveries

- 9.52 It is proposed for servicing and deliveries to take place on-street, from the kerbside of Trinity Square immediately adjacent to the western façade of the proposed building. This area is currently controlled by parking restrictions (single yellow line) and permits any vehicle undertaking such activities at kerbside for up to a maximum dwell time of 20 minutes.
- 9.53 Within the submitted Servicing Plan, the applicant details that it is envisaged that the hotel would only generate 6 goods vehicles a day, with each one having a maximum kerbside dwell time of 20 minutes for the reasons detailed above. The applicant has also undertaken a survey of a comparable hotel within the Borough, which estimates that there would be 18 vehicle movements per day. Notwithstanding this, it would be possible to secure the lesser vehicle trips by way of requiring the submission and agreement of a Delivery & Service Management Plan by condition.
- 9.54 During the course of the previously withdrawn application and the intervening period prior to submission of the current application, Officers have held extensive discussions with the applicant regarding the proposed on-street servicing strategy. The Council's Highways department have commented that whilst on-site servicing would normally be preferred by Highways, the applicant has provided further detailed information including additional pedestrian surveys and a FRUIN assessment (a method endorsed by TfL) to justify the pursuance of on-street servicing.

- 9.55 The additional pedestrian surveys demonstrate the peak movement periods within this area of Trinity Square to be between 0700-1000 hours and 1600-1900 hours. Together with the identified service vehicle movements detailed within the application, LBTH Highways consider that sufficient justification has been made and the applicant has adequately demonstrated that on-street servicing would have no undue impacts, subject to a condition being attached which prevents servicing from taking place between 0700-1000 hours and 1600-1900 hours inclusive. This would ensure that servicing activities do not occur during peak hours of pedestrian movement.
- 9.56 It is also proposed that servicing and deliveries would be managed and co-ordinated through a Delivery & Servicing Plan (DSP) to be prepared and submitted prior to occupation. LBTH Highways also require the submitted Servicing and Coach Management Plan to be updated prior to occupation and secured via a planning condition should planning permission be granted. These measures are supported by Transport for London and such conditions and obligations have been attached as detailed above in section 4 of this report. Accordingly, it is considered that the proposed service and delivery strategy is in accordance with the abovementioned policies.

Refuse

- 9.57 The application details that the proposal incorporates waste storage at ground floor level which would be collected at kerbside on Trinity Square, as outlined above.
- 9.58 It is recommended that any grant of permission is subject to a condition requiring the implementation of an agreed Delivery & Servicing Plan (DSP), as previously detailed.

Widening of Pavement in Trinity Square

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

Cycle Parking

- 9.60 The Interim Planning Guidance (2007) requires 1 cycle parking space per 10 staff and 1 cycle parking space per 15 residents, generating a total requirement of 41 spaces.
- 9.61 A total of 35 Sheffield-style cycle stands are proposed to be provided within the development at basement level, with each stand capable of securing two bicycles. This therefore exceeds the minimum cycle parking requirements as defined within the Interim Planning Guidance (2007) and is therefore acceptable.

Amenity

Daylight and Sunlight

- 9.62 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (1991).
- 9.63 Policy 7.7 of the London Plan (2011) requires that all large-scale buildings, including tall buildings pay particular attention in residential environments including general amenity considerations and overshadowing. Furthermore, they should be sensitive to their impact on micro-climate in terms of sun, reflection and overshadowing. Saved Policies DEV1 and DEV2 of the UDP (1998) and Policies DEV1 and DEV27 of the IPG (2007) require that developments should not result in a material deterioration of sunlight and daylight conditions. Core Strategy Policy SP10 also seeks to protect amenity, and promotes well-being

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

- 9.64 The application is accompanied by a Daylight and Sunlight Assessment within the submitted Impact Statement (which considered the impact of the development on neighbouring residential windows) and concluded that the impact of the proposed scheme is within BRE guidelines in respect of daylight consideration and also that sunlight will not be impacted. Officers are in agreement with these conclusions.
- 9.65 There are a number of commercial windows in the vicinity of the site and further work has been undertaken by the applicant's daylight/sunlight advisor to assess impact on these non residential windows. Specific objection has been raised regarding loss of light to western windows of 6 and 7 The Crescent. These windows are already enclosed and receive limited daylight and whilst the % loss exceeds 20%, in view of the current light levels, this is not considered significant. In summary, whilst some of these windows will be impacted to a limited extent, in view of the location of these windows, the urban character of the area, the non residential use of neighbouring buildings and the previous office building that was present on the site, officers are of the view, on balance, that any reduction of daylight and sunlight to these commercial properties would not be significant and would not sustain a refusal of planning permission.
- 9.66 It is considered that the proposed development is generally in accordance with the BRE guidance, Policy 7.6 and 7.7 of the London Plan (2011), saved Policies DEV1 and DEV2 of the UDP (1998), Policies DEV1 and DEV27 of the IPG (2007) and Policy SP10 of Core Strategy (2010) with regards to sunlight and daylight and on balance, the proposals are not likely to cause any adverse impacts to warrant refusal of planning permission.

Air Quality

- 9.67 PPS23 and Policy 7.14 of the London Plan (2011) relate to the need to consider the impact of a development on air quality. Policies DEV2 of the UDP (1998) and Policy DEV5 of the IPG (2007) and Core Strategy Policy SP02 seek to protect the Borough from the effect of air pollution and Policy DEV11 in particular requires the submission of an air quality assessment where a development is likely to have a significant impact on air quality. Tower Hamlets Air Quality Action Plan (2003) also examines the various measures for improving air quality in the Borough.
- 9.68 The application is supported by an Air Quality Assessment scoping document within the submitted Impact Statement which is considered to be acceptable basis to deal with air quality impacts. A condition has been attached requiring the submission of a Construction Environmental Management Plan prior to commencement.

Noise and Vibration

- 9.69 PPG24 is the principal guidance adopted within England for assessing the impact of noise on proposed developments. The guidance uses noise categories ranging from NEC A where noise doesn't normally need to be considered, through to NEC D where planning permission should normally be refused on noise grounds.
- 9.70 Policy 7.15 of the London Plan (2011) sets out guidance in relation to noise for new developments and in terms of local policies, saved policies DEV2 and DEV50 of the UDP (1998), policies DEV1, DEV10, DEV12, DEV27 and HSG15 of the IPG (2007), and policies SP03 and SP10 of the Core Strategy (2010) seek to minimise the adverse effects of noise.
- 8.71 The applicant will be required to incorporate appropriate noise insulation measures in accordance with Building Regulations. Notwithstanding the predominantly commercial nature of the surrounding area, it is also considered appropriate to condition the operation of the outdoor terrace area including hours of operation. Finally, conditions are also

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

- 9.72 In terms of noise and vibration during demolition and construction, conditions are also recommended which restrict construction hours and noise emissions and requesting the submission of a Construction Management Plan which will further assist in ensuring noise reductions.
- 9.73 As such, it is considered that the proposals are generally in keeping with Planning Policy Guidance Note 24, Policy 7.15 of the London Plan (2011), Saved policies DEV2 and DEV50 of Tower Hamlets UDP (1998), policies DEV1, DEV10, DEV12 and DEV27 of Tower Hamlets IPG (2007), and policies SP03 and SP10 of the Core Strategy (2010).

Privacy

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

Energy Efficiency and Sustainability

- 9.75 At a national level, PPS22 and PPS1 encourage developments to incorporate renewable energy and to promote energy efficiency. At a strategic level, Policies 5.1 and 5.2 of the London Plan (2011) seek to achieve a reduction in London's carbon emissions of 60% (below 1990 levels) by 2025.
- 9.76 The Mayor's Energy Strategy sets out the Mayor's energy hierarchy which is to:
- Use Less Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and
 - Use Renewable Energy (Be Green).
- 9.77 Policy 5.2 of the London Plan (2011) requires a 25% reduction (2010-2013) and 40% (2013-2016) for non-residential buildings.
- 9.78 Saved Policy DEV2 of the UDP (1998), DEV 6 of the IPG (2007) and SP02 of the Core Strategy (2010) seek to incorporate the principle of sustainable development, including use of energy efficient design and materials, promoting renewable technologies.
- 9.79 The submitted energy strategy follows the London Mayor's energy hierarchy as detailed above, as follows:
- Be Lean: The scheme minimises energy use through passive design measures anticipated to result in carbon savings of approximately 29.2%;
 - Be Clean: A combined heat and power system is proposed and has been calculated to provide a carbon reduction of 26.3%;
 - Be Green: The proposed development does not incorporate renewable technologies. Through the maximisation of the CHP system to deliver space heating and hot water it is acknowledged that meeting the 20% of the building's energy demand is not feasible. The applicant has demonstrated compliance with the Draft Replacement London Plan (2009) through achieving a 44% reduction above Part L 2006.
- 9.80 The proposed overall 56.7% reduction in carbon emissions through energy efficiency measures and a CHP power system is considered to be acceptable and in accordance with the abovementioned development plan policies. The strategy is proposed to be secured by

condition.

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

Section 106 Agreement

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

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

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

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

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

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

Financial Contributions

- a) Highways & Transportation: **£103,000**, comprising:
 - £3,000 towards monitoring the Travel Plan
 - £50,000 towards the Legible London wayfinding scheme
 - £50,000 towards the Cycle Hire Scheme
- b) Employment & Enterprise: **£105,642** towards the training and development of unemployed residents in Tower Hamlets to access either:
 - Jobs within the hotel developmental end-use phase; or
 - Jobs or training within Hospitality, Leisure, Travel & Tourism employment sectors in the final development
- c) Leisure & Tourism promotion: **£54,500**; comprising:
 - £26,500 towards developing a destination map of the Borough for visitors
 - £28,000 towards business tourism promotion and implementing a programme with Visit London to promote Tower Hamlets as a business tourism destination in the UK, European and International Meeting, Incentive, Conference and Exhibition Market

Non-Financial Contributions

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

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

Highways and Transportation

Travel Plan monitoring

- 9.87 Travel plans are a key tool to ensuring developments minimise adverse environmental impacts of the travel demand that it generates. Development of the nature and scale proposed will generate different travel demands when compared to the former or existing use considering its redundant nature at present. As such, a Travel Plan is required. It is considered that the agreement will also seek to secure a travel plan co-ordinator to ensure implementation of the travel plan and on going monitoring.
- 9.88 A standard contribution of £3,000 is also requested towards the Council's costs of monitoring the implementation of the travel plan over a five year period.

Legible London Wayfinding Scheme

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

Cycle Hire Scheme

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

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

Employment and Enterprise

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

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

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

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

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

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

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

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

Modules include:

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

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

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

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

Other Contribution Requests

- 9.93 As detailed earlier within this report, LBTH Communities, Localities and Culture requested a contribution of £607,752 towards public realm works, based on the formula detailed within the draft Planning Obligations SPD recently approved by Cabinet. Given the limited weight of the aforementioned SPD and also the extensive public realm and step free access works which are proposed within the vicinity of the application site and also the adjacent Tower Hill Underground station entrance (which the applicant details are to be delivered at a cost of £575,000 for the landscaping works and step free access works, whilst the creation of the lift accesses is valued at approximately £1.99m), it is not considered that the requested contribution is necessary to make the development acceptable in planning terms.
- 9.94 It is also considered that the majority of the step free access works are necessary to mitigate the impact of the scheme and create an inclusive development, accordingly, the delivery of these prior to the commencement of the hotel use are recommended to be secured via the s106 agreement.

10 Conclusions

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

APPENDIX 2

LONDON BOROUGH OF TOWER HAMLETS

STRATEGIC DEVELOPMENT COMMITTEE

15th September 2011 at 7.00pm

UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

Index

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

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

1. CALL-IN REQUEST

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

2. APPLICATION DETAILS

Drawing Numbers

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

3 SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 3.1 Within the first bullet point at paragraph 3.1, there is a typographical error. Saved policy ART1 of the Unitary Development Plan (1998) is referred to, however this should not be included.
- 3.2 Within the second bullet point, reference is made to saved UDP policy DEV1. This is a typographical error and should not be included.
- 3.2 Within the third bullet point, reference is made to the Tower Conservation Area. This should also read that the proposal is considered to respect, preserve and enhance the character and setting of the nearby conservation areas, namely the Trinity Square Conservation Area and the nearby Crescent Conservation Area and the Fenchurch Street Conservation Area.
- 3.3 Accordingly, the first, second and third bullet points within the summary of material planning considerations are amended to read as follows:
- A hotel-led scheme will contribute to the strategic target for new hotel accommodation. It will complement the Central Activity Zone's role as a premier visitor destination and in this respect, will support London's world city status. The scheme therefore accords with policy 4.5 of the London Plan (2011), saved policies EMP3 and CAZ1 of the Council's Unitary Development

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

- The ancillary cafe (Use Class A3), bar (Use Class A4) and meeting rooms (Use Class B1) are acceptable as they will provide for the needs of the development and demand from surrounding uses, and also present employment in a suitable location. As such, it is in line with saved policy DEV3 of the Council's Unitary Development Plan (1998), policy SP06 of the Core Strategy Local Development Framework (2010) and policies DEV1 and CFR1 of the Council's Interim Planning Guidance (October 2007) which seek to support mixed use developments and local job creation
- The height, materials, scale, bulk and design of the building is acceptable and is considered to respect, preserve and enhance the character and setting of the Tower of London World Heritage Site, the Tower Conservation Area and surrounding conservation areas, the adjacent Listed Buildings and the adjacent Scheduled Ancient Monument. As such, the proposal is in accordance with Planning Policy Statement 5 (2010), policies 7.3, 7.8, 7.9 and 7.10 of the London Plan (2011) as well as saved policy DEV1 of the LBTH UDP (1998), policies DEV2, CON1, CON2 and CFR18 of the Interim Planning Guidance (2007) and policies SP10 and SP12 of the Core Strategy Development Plan Document (2010) which seek to protect the character, appearance and setting of heritage assets. The proposal is also in accordance with the aims and objectives of Tower of London World Heritage Site Management Plan (Historic Royal Palaces, 2007)

4 RECOMMENDATION

Legal Agreement

- 4.1 Following the publication of the committee report, the Council's Employment and Enterprise team have reviewed their contribution request towards employment in the end-use phase in light of the publication of the draft Planning Obligations Supplementary Planning Document. Accordingly the contribution has been increased from £39,709 (as detailed at paragraph 4.1 of the committee report) to **£42,517**.
- 4.2 To clarify, within non-financial obligation h) at paragraph 4.1 of the published report, the applicant is required to undertake reasonable endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. Should the applicant fail to achieve this, a financial contribution of £30,533 would be payable to Skillsmatch to support and/or provide for training and skills needs of local residents in accessing new job opportunities in the construction phase of new developments. Similarly, within non-financial contribution i), should the applicant fail to provide 20% of the final employment opportunities to Tower Hamlets residents, then a contribution of £35,400 would be payable to the Council to deliver the training.
- 4.3 In light of the above, it should be noted that the financial contribution towards Employment and Enterprise should read as up to £108,450 in light of the increased end-use employment contribution request and dependence on whether the applicant provides the required training or employment during construction and end-use themselves. Accordingly, the total financial contribution sought is **up to £265,950**.
- 4.4 Members will note at paragraph 4.5 of the published report that the legal agreement is required to be completed by 1st November 2011. As the full details of the landscaping, public realm and step free access works are required by condition to be submitted

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

Additional conditions

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

5 PROPOSAL AND LOCATION DETAILS

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

6 POLICY FRAMEWORK

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

7 CONSULTATION RESPONSES

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

English Heritage (statutory consultee)

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

Historic Royal Palaces (statutory consultee)

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

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

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

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

London Underground (statutory consultee)

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

“This scheme provides a real opportunity to achieve step-free access at Tower Hill – which would deliver considerable benefits given the location of the station and its interchange with nearby stations. Currently the nearest step-free access Tube stations are Westminster or West Ham. Tower Hill tube station, which is used by close to 70,000 passengers on a typical weekday, is in close proximity to Network Rail’s Fenchurch Street station and Tower Gateway DLR station both of which provide step-free access. Many passengers – including a high number of tourists and business travellers – travelling through these two stations interchange at Tower Hill station to access London Underground services. Approval of this development will enable not just provision for future step-free access from platform to street but step-free interchange from station to station.

“Delivery of the proposed scheme will be a vast improvement for customers using the station. The current external station environment is in need of upgrade and improvement, particularly given its position as the main public service travel hub for visitors to the Tower of London and Tower Bridge. The proposed scheme would deliver these improvements.

“It is important to note that funding for a step free access scheme at Tower Hill Tube station, such as the one proposed by Citizen M, is not currently available via other sources and nor is it likely to be for the foreseeable future. This proposal therefore offers a unique opportunity to take another step forward in creating an accessible tube network for London. It would increase the number of step-free Tube stations in Tower Hamlets by 50%”.

LBTH Highways & Transportation

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

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

“As part of S278 works associated with any future planning permission we would look to ensure that there are double yellow lines in the vicinity of the site so that the waiting/loading restrictions apply 24hours a day, 7 days a week rather than ceasing when the CPZ expires (as is the case with single yellow lines).

We would also look to secure yellow line markings vertically up the kerb edge as this will further regulate the hours during which servicing can take place. This would then require a sign stating the times during which servicing is prohibited (0700-1000hours and 1600-1900hours)”

LBTH Communities, Localities and Culture

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

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

8. LOCAL REPRESENTATION

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

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

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

8.4 In Support

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

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

8.5 In Objection

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

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

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

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

8.6 Procedural Issues

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

detailed below:

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

9. MATERIAL PLANNING CONSIDERATIONS

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

- 9.1 At paragraph 9.17, it should read that the vertical metal fins are proposed to be constructed of glass reinforced concrete rather than metal. This remains to be considered acceptable in terms of conservation, design and appearance.
- 9.2 At paragraph 9.32, it should read: "in the setting of the WHS it is not considered that the building would be out of scale, nor in terms of the other considerations of setting of listed buildings or Conservation Areas".
- 9.3 Similarly, at paragraph 9.33, it should read: that it is not considered that the proposed building would harm the setting of the adjacent and nearby listed building, the Tower Conservation Area and surrounding conservation areas..."
- 9.4 At paragraph 9.49, it should read "the applicant has stated that they do not accept coach bookings" rather than hotel bookings.

10. RECOMMENDATION

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

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

Financial Contributions

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

- £50,000 towards the Cycle Hire Scheme
- b) Employment & Enterprise: Up to **£108,450** (see contributions h & i below) towards the training and development of unemployed residents in Tower Hamlets to access either:
 - Jobs within the hotel developmental end-use phase; or
 - Jobs or training within Hospitality, Leisure, Travel & Tourism employment sectors in the final development
- c) Leisure & Tourism promotion: **£54,500**; comprising:
 - £26,500 towards developing a destination map of the Borough for visitors
 - £28,000 towards business tourism promotion and implementing a programme with Visit London to promote Tower Hamlets as a business tourism destination in the UK, European and International Meeting, Incentive, Conference and Exhibition Market

Non-Financial Contributions

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

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

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

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

10.4 **Conditions**

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

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

10.5 **Informatives**

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

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

Agenda Item 7

Committee: Strategic Development	Date: 27 th October 2011	Classification: Unrestricted	Agenda Item No: 7
Report of: Corporate Director Development and Renewal		Title: Planning Applications for Decision	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning applications for determination by the Committee. Although the reports are ordered by application number, the Chair may reorder the agenda on the night. If you wish to be present for a particular application you need to be at the meeting from the beginning.
- 1.2 The following information and advice applies to all those reports.

2. FURTHER INFORMATION

- 2.1 Members are informed that all letters of representation and petitions received in relation to the items on this part of the agenda are available for inspection at the meeting.
- 2.2 Members are informed that any further letters of representation, petitions or other matters received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in an Addendum Update Report.

3. ADVICE OF ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the Development Plan and other material policy documents. The Development Plan is:
- the adopted Tower Hamlets Unitary Development Plan (UDP)1998 as saved September 2007
 - the London Plan 2011
 - the Tower Hamlets Core Strategy Development Plan Document 2025 adopted September 2010
- 3.2 Other material policy documents include the Council's Community Plan, "Core Strategy LDF" (Submission Version) Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purposes), Planning Guidance Notes and government planning policy set out in Planning Policy Guidance & Planning Policy Statements and the draft National Planning Policy Statement.
- 3.3 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase

LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 7

Brief Description of background papers:
Application, plans, adopted UDP, Interim
Planning Guidance and London Plan

Tick if copy supplied for register:

Name and telephone no. of holder:
Eileen McGrath (020) 7364 5321

Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.

- 3.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
- 3.5 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 3.6 Whilst the adopted UDP 1998 (as saved) is the statutory Development Plan for the borough (along with the Core Strategy and London Plan), it will be replaced by a more up to date set of plan documents which will make up the Local Development Framework. As the replacement plan documents progress towards adoption, they will gain increasing status as a material consideration in the determination of planning applications.
- 3.7 The reports take account not only of the policies in the statutory UDP 1998 and Core Strategy but also the emerging Local Development Framework documents and their more up-to-date evidence base, which reflect more closely current Council and London-wide policy and guidance.
- 3.8 In accordance with Article 31 of the Development Management Procedure Order 2010, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

4. PUBLIC SPEAKING

- 4.1 The Council's constitution allows for public speaking on these items in accordance with the rules set out in the constitution and the Committee's procedures. These are set out at Agenda Item 5.

5. RECOMMENDATION

- 5.1 The Committee to take any decisions recommended in the attached reports.

Agenda Item 7.1

Committee: Strategic Development	Date: 27 th October 2011	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Development & Renewal		Title: Planning Application for Decision	
Case Officer: Jane Jin		Ref No: PA/11/01278	
		Ward(s): St Katharine's and Wapping	

1. APPLICATION DETAILS

Location: 134 to 140 Pennington Street & 130, 136 & 154 to 162 The Highway

Existing Use: Vacant site

Proposal: Redevelopment of the site to provide a 242 room hotel (class C1), 63 serviced apartments (sui-generis) and retail (class A1) building with publicly accessible courtyard together with provision of pedestrian access.

Drawing Nos: PL-001; PL-002; PL-003; PL-050; PL-098A; PL-099C; PL-100C; PL-101; PL-102A; PL105A; PL-106B; PL-120B; PL-121B; PL-122B; PL-123B; PL-130; PL-131; PL-150A; PL-151A; PL-152A; PL-153A; PL-500; PL-501; PL-502.

Documents:

Design and Access Statement
 Townscape and Visual Impact Assessment
 Heritage Baseline Study
 Planning Statement Volume 1
 Hotel Demand Study Volume 2
 Energy Strategy Report Volume 3 Revision G
 Sustainability Statement Volume 4
 Daylight, Sunlight & Shadow Study Volume 5
 Noise Assessment Volume 6
 Wind Assessment Volume 7
 Ecology Assessment Volume 8
 Archaeological Statement Volume 9
 Transport Assessment & Framework Travel Plan Volume 10
 Waste Management Plan Volume 11
 Statement of Community Involvement Volume 12

Applicant: Al Mubarakia Ltd

Owner: Transport for London, LBTH Highways, Messila House Ltd

Historic Building: No – however the adjacent buildings to the south of the site, Tobacco Dock is Grade I Listed, and north of the site on the Highway, Church of St Georges in the East is Grade I Listed.

Conservation Area: No, however the site is adjacent to the St Georges in the East Conservation Area

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1
- A hotel scheme will contribute to the strategic target for new hotel accommodation. The scheme therefore accords with policy 4.5 of the London Plan (2011), policies SP06 and SP12 of the Core Strategy Local Development Framework (2010) and policies CFR1, CFR21, CFR23 and CFR26 of the City Fringe Area Action Plan of the

Interim Planning Guidance (2007) which seek to promote and concentrate tourism and hotel developments within the City Fringe Opportunities Area.

- 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 adjacent Listed Buildings and the adjacent St Georges Town Hall Conservation Area. As such, the proposal is in accordance with Planning Policy Statement 5 (2010), policies 7.4, 7.6, 7.8 and 7.9 of the London Plan (2011) as well as saved policy DEV1 of the Unitary Development Plan (1998); policies DEV2, CON1 and CON2 of the Interim Planning Guidance (2007); policies CFR1 and CFR24 of the City Fringe Area Action Plan of the Interim Planning Guidance (2007) and policies SP10 and SP12 of the Core Strategy Development Plan Document (2010) which seek to protect the character, appearance and setting of heritage assets.
- The development and associated public realm improvements are considered to be inclusive and also improves the permeability of the immediate area. As such, it complies with policies 7.2, 7.4 and 7.5 of the London Plan (2011), saved policy DEV1 of the Council's Unitary Development Plan (1998); policy SP09 of the Core Strategy (2010) and policies DEV3 and DEV4 Interim Planning Guidance (2007) of the Council's Interim Planning Guidance (October 2007); CFR2 of City Fringe Area Action Plan of the Interim Planning Guidance (2007) which seek to maximise safety and security for those using the development and ensure public open spaces incorporate inclusive design principles.
- It is not considered that the proposal would give rise to any undue impacts in terms of loss of privacy, overlooking, sunlight and daylight, and noise upon the surrounding residents or occupiers. As such, the proposal is considered to satisfy the relevant criteria of saved policy DEV2 of the Council's Unitary Development Plan (1998), policy SP10 of the Core Strategy Local Development Framework (2010) and policy DEV1 of the Council's Interim Planning Guidance (October 2007), which seek to protect residential amenity.
- Transport matters, access and servicing, are acceptable and in line with London Plan policies 6.4, 6.7, 6.9, 6.10, 6.11, 6.12 and 6.13 of the London Plan (2011), saved policies T16 and T19 of the Council's Unitary Development Plan (1998), policy SP09 of the Core Strategy Local Development Framework (2010) and policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007), which seek to ensure developments minimise parking and promote sustainable transport options.
- Sustainability matters, including energy, are acceptable and in line with policies 5.1 – 5.3 of the London Plan (2011), policy SP11 of the Core Strategy Local Development Framework (2010) and policies DEV5 to DEV9 of the Council's Interim Planning Guidance (October 2007), which seek to promote sustainable, low carbon development practices.
- Financial contributions have been secured towards the provision of training initiatives; street scene and public realm improvements; open space; heritage improvements; Legible London pedestrian wayfinding system; and leisure and tourism promotion in line with Government Circular 05/05, the Community Infrastructure Levy Regulations 2010, saved policy DEV4 of the Council's Unitary Development Plan (1998) and policy SP13 of the Core Strategy (2010) which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission subject to:

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

Financial Contributions

- a) Employment & Enterprise: Up to **£108,108** towards the training and development of unemployed residents in Tower Hamlets to access (see (i) below):
 - o Jobs within the hotel developmental end-use phase (£42,060);
 - o Jobs during the construction phase of the development (£35,048);
- b) Highways, Street scene and Public Realm: **£135,000** towards improvements
- c) Heritage Improvements: **£100,000** towards disabled access improvements to the Grade I listed St Georges in the East Church:
- d) Public Open Space and Leisure: **£238,000**;
- e) Legible London pedestrian wayfinding and signage system (TfL): **£15,000**;
- f) TfL Cycle Hire Scheme (TfL): **£223,000**
- g) S106 monitoring fee (5% of the total financial contribution)

Non-Financial Contributions

- h) Reasonable endeavours for 20% goods/services to be procured during the construction phase should be achieved by businesses in Tower Hamlets;
- i) Access to Employment - To promote employment of local people during and post construction, including an employment and training strategy, or a financial contribution of £31,000 for the delivery of this training to Skillsmatch;
- j) Code of Construction Practice - To mitigate against environmental impacts of construction;
- k) Car-free agreement;
- l) Green Travel Plan;
- m) Public access through the hotel and square; and
- n) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

Total financial contribution: Up to **£819,108 + 5% monitoring fee (up to £40,955)**

- 3.2 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above.
- 3.3 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

Conditions

- 1) Permission valid for 3 years;
- 2) Submission of details and samples of all materials;
- 3) Submission of hard and soft landscaping;
- 4) Submission of sustainable drainage details;
- 5) Submission of full details of public piazza,
- 6) Biodiversity, green and brown roofs;
- 7) Construction Management and Logistics Plan;
- 8) Archaeology;
- 9) Contamination;

- 10) Access Management Plan;
- 11) Scheme of necessary highways improvements to be agreed (s278 agreement);
- 12) Ventilation and extraction for A3;
- 13) Details of Roof top plant screens
- 14) Waste Management Plan including waste and recycling details;
- 15) Coach, Delivery and Service Management Plan;
- 16) 10% Accessible hotel rooms;
- 17) BREEAM 'excellent';
- 18) Hammer driven piling;
- 19) Noise levels and insulation;
- 20) Compliance with the submitted Energy Strategy;
- 21) Hours of servicing;
- 22) Hotel Use Only;
- 23) Occupation no longer than 90 consecutive days;
- 24) Hours of construction;
- 25) One disabled parking space;
- 26) 22 cycle parking spaces;
- 27) Approved plans; and
- 28) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

3.4 Informatives

- 1) Section 106 agreement required;
- 2) Section 278 & 72 Highways agreements required;
- 3) Olympic Route Network;
- 4) Extract system to be inline with DEFRA guidelines
- 5) Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

- 3.5 That, after 20 days following GLA's Stage II response, the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The application proposes the erection of a 7-storey U-shaped building fronting The Highway, with an additional lower ground floor level on Pennington Street. It comprise a 242-room hotel and 63 serviced apartments with associated ancillary hotel facilities including restaurant (A3) located at lower ground floor level and meeting rooms located on the ground floor level fronting The Highway. An ancillary retail unit (A1) is also proposed on the ground floor, with entrance off The Highway. Plant and storage facilities are contained at basement and lower ground floors and roof level.
- 4.2 The application also proposes a public 'piazza' and a pedestrian link through the site to and from The Highway and Pennington Street. The hotel is proposed to be serviced on-street from Pennington Street, with taxi pick up and drop off area for guests in front of the hotel, accessed off The Highway.
- 4.3 The proposal also includes works to Pennington Street, which proposes to raise the surface on Pennington Street to provide shared surface treatment, linking the proposal with Tobacco Dock to the South. These works will be secured through s278 Highway Works.

Site and Surroundings

- 4.5 The site, which measures 0.4ha in area, is currently vacant and the site has been cleared for over 20 years. It is bounded by The Highway to the north, Wapping Lane to the east, Pennington Street to the south and Chigwell Hill to the west. The site level drops to the south and there is approximately 2m level difference between The Highway and Pennington Street.
- 4.6 The surrounding area is characterised by a mix of uses. Located opposite side of the application site, north of The Highway, is the Grade I Listed building, St Georges in-the-East Church which is within the St Georges in the East Conservation Area. Immediately to the south of the site, lies another Grade I Listed building, known as Tobacco Dock. Tobacco Dock had previously been converted to a retail shopping centre however it remains unoccupied since mid 1990s. The building has public access on the upper floors and has been known to be used as a filming location for various TV shows and has held exhibition events. To the east, at the corner with Wapping Lane and the Highway is a 5-storey block of residential flatted building with retail use on the ground floor. Further to the west along Pennington Street is the News International site which had a planning consent recently for a comprehensive refurbishment and remodelling of the existing buildings on the site.
- 4.7 The site has a Public Transport Access Level of 4 (Good) where 1 represents the lowest and 6 the highest. The site is located approximately 330 metres south west of Shadwell DLR and Overground Station, and Wapping Overground Station is approximately 560metres away to south. There are several bus routes within the vicinity.
- 4.8 In terms of the Development Plan context, the site is located within the City Fringe Opportunity Area. The site, together with Tobacco Dock, is also designated as a development site (reference 43) within the Interim Planning Guidance City Fringe Area Action Plan (2007), which cites Hotel, retail and leisure (C1, A2, A3, A4), Residential and public open space as the preferred uses.

Relevant Planning History

- 4.9 The following planning decisions are relevant to the application:

T/96/26	Full planning consent was issued on 27 th March 1997 by the London Docklands Development Corporation for a redevelopment of the site for retail, multi-screen cinema, car park, leisure, storage and servicing and a tunnel beneath Pennington Street to Tobacco Dock.
PA/07/00384	An application for the retention of three illuminated advertisement panels was dismissed on appeal on 16 th October 2007.
PA/11/1583	An application by TfL for the installation on the footway of a Barclays Cycle Hire docking station, containing a maximum of 27 docking points and a terminal was approved on 12 th August 2011.

5. POLICY FRAMEWORK

- 5.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

Unitary Development Plan 1998 (as saved September 2007)

5.2 Proposals:	City Fringe Site Area of Archaeological Importance or Potential
Policies:	DEV1 Design Requirements DEV2 Environmental Requirements DEV3 Mixed Use development DEV4 Planning Obligations DEV12 Provision of Landscaping in Development

DEV50	Noise
DEV51	Contaminated Land
DEV55	Development and Waste Disposal
DEV69	Water Resources
EMP1	Encouraging New Employment Uses
EMP6	Employing Local People
T16	Impact of Traffic
T18	Pedestrian Safety and Convenience
T21	Existing Pedestrians Routes
S7	Restaurants

Interim Planning Guidance for the purposes of Development Control

5.3 Proposals: CF43 Hotel, retail and leisure (C1, A2, A3, A4); residential (C3);
Public open space
City Fringe Opportunity Area
Archaeological Priority Area

Policies:

DEV1	Amenity
DEV2	Character & Design
DEV3	Accessibility & Inclusive Design
DEV4	Safety & Security
DEV5	Sustainable Design
DEV6	Energy Efficiency & Renewable Energy
DEV7	Water Quality and Conservation
DEV8	Sustainable Drainage
DEV9	Sustainable Construction Materials
DEV10	Disturbance from Noise Pollution
DEV11	Air Quality
DEV12	Management of Demolition and Construction
DEV13	Landscaping
DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV20	Capacity of Utility Infrastructure
DEV22	Contaminated Land
EE2	Redevelopment / Change of Use of Employment Sites
RT5	Evening and Night-time Economy
CON1	Listed Buildings
CON2	Conservation Areas
CON4	Archaeology and Ancient Monuments
CFR1	City Fringe spatial strategy
CFR2	Transport and movement
CFR5	Open space and flooding
CFR6	Infrastructure and services
CFR7	Infrastructure capacity
CFR8	Waste
CFR21	Employment uses in Wapping sub-area
CFR22	Residential uses in Wapping sub-area
CFR23	Retails and leisure uses in Wapping sub-area
CFR24	Design and built form in Wapping sub-area
CFR25	Local connectivity and public realm in Wapping sub-area
CFR26	Site allocations in Wapping sub-area

Supplementary Planning Guidance/Documents

5.4 Designing Out Crime

Local Development Framework Core Strategy (2010)

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

Spatial Development Strategy for Greater London (The London Plan 2011)

5.6	<u>Policy</u>	<u>Title</u>
	2.9	Inner London
	2.13	Opportunity areas and intensification areas
	4.1	Developing London's economy
	4.3	Mixed use development and offices
	4.5	London's visitor attraction
	4.10	New and emerging economic sectors
	4.11	Encouraging a connected economy
	4.12	Improved opportunities for all
	5.1	Climate Change mitigation
	5.2	Minimising carbon dioxide emissions
	5.3	Sustainable design and construction
	5.5	Decentralised energy networks
	5.6	Decentralised energy in development proposals
	5.7	Renewable energy
	5.8	Innovative energy technologies
	5.13	Sustainable drainage
	5.18	Water use and supplies
	5.21	Contaminated land
	6.4	Enhancing London's transport connectivity
	6.7	Better streets and surface transport
	6.8	Coaches
	6.9	Cycling
	6.10	Walking
	6.11	Smoothing traffic flow and tackling congestion
	6.12	Road network capacity
	6.13	Parking
	7.2	An inclusive environment
	7.3	Designing out crime
	7.4	Local Character
	7.5	Public realm
	7.6	Architecture
	7.8	Heritage Assets and Archaeology
	8.2	Planning Obligations

- 5.7
- Accessible London: Achieving an Inclusive Environment (April 2004)
 - Sustainable Design and Construction (May 2006)

Government Planning Policy Guidance/Statements

- 5.8
- | | |
|-------|---|
| PPS1 | Delivering Sustainable Development Planning and Climate Change – Supplement to PPS1 |
| PPS4 | Planning for Sustainable Economic Growth |
| PPS5 | Planning for the Historic Environment |
| PPS9 | Biodiversity & Conservation |
| PPG13 | Transport |
| PPG24 | Planning and Noise |
| PPS22 | Renewable Energy |

Community Plan The following Community Plan objectives relate to the application:

- 5.10
- A better place for living safely
 - A better place for creating and sharing prosperity
 - A better place for excellent public services

6. CONSULTATION RESPONSE

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

6.2 The following were consulted regarding the application:

LBTH Accessibility Officer

6.3 No principle objection, subject to a condition requiring 10% of hotel rooms to be wheelchair accessible. Further Access Management Plan to be submitted which addresses accessibility throughout the site.

(OFFICER COMMENT: Conditions have been attached to this effect.)

LBTH Communities, Localities and Culture

6.4 No objections. In light of the emerging Planning Obligations SPD which was approved for consultation purposes by Cabinet on 6 July, this draft sets out a formula and threshold for contribution requirements towards Public Open Space and Leisure based on the size of the hotel and likely employment figures. Accordingly, based on 200 employees and hotel guest density, a contribution of £238,000 is sought.

(OFFICER COMMENT: This contribution request has been agreed by the applicant, as detailed within the s106 Heads of Terms at paragraph 3.1)

LBTH Crime Prevention Officer

6.5 The access walkway should be gated during the night time to ensure that the area is not misused.

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

LBTH Enterprise & Employment

6.6 To ensure that local businesses benefit from this development we expect that 20% of

goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets.

The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets.

The Council seeks contribution towards training and development of unemployed residents in Tower Hamlets to access to jobs within construction and end-use phases.

Applying the formula within the emerging SPD the following financial contribution should be sought.

- Jobs within the hotel developmental end-use phase (£42,060); and
- Jobs during the construction phase of the development (£35,048);

Non-financial contribution towards promoting employment of local people during and post construction, including an employment and training strategy, or a financial contribution of £31,000 for the delivery of this training to Skillsmatch.

(OFFICER COMMENT: The applicant has agreed to the above contribution and obligations, as detailed within the s106 Heads of Terms in paragraph 3.1. The method of calculating the financial contribution is detailed within section 8 of this report)

LBTH Environmental Health

6.7 Environmental Health (Air Quality)

No comments received

Environmental Health (Contaminated Land)

No objections subject to the attachment of an appropriate condition requiring any contaminated land to be properly treated and made safe before development commences

Environmental Health (Food Safety)

No objections subject to the attachment of an appropriate informative regarding food safety

Environmental Health (Noise & Vibration)

The Planning Noise Assessment contains a planning noise assessment in line with PPG24. Whilst the noise categories fall within NEC 'C' and NEC 'D', all habitable rooms in the apartment and hotel are to have air conditioning therefore the acoustic requirement for alternative means of ventilation will be satisfied. There is no objection.

Environmental Health (Smell/Pollution)

Details of kitchen extract system is required to be inline with DEFRA guidelines so as to ensure that there is no likely odour nuisance that will impact on local residents. Details are required.

(OFFICER COMMENT: The requested conditions and informatives have been attached to the draft decision notice, as detailed above at paragraph 3.3)

LBTH Highways

6.8 Parking

The development is proposed to be entirely car free and given the location this is considered to be acceptable.

The site has a PTAL rating of 4 which demonstrates that a reasonable level of public transport service is available within the immediate vicinity of the site.

The proposal initially included two disabled parking spaces on Pennington Street. The location of these spaces on-street is not supported and cannot be dedicated for the hotel use. The proposal now omits these spaces and it is now proposed for one space to be located at the front of the hotel access off the drop-off area, and within the site's boundary. This is considered to be acceptable.

Coach Parking:

It is considered acceptable for coach parking to be accommodated at the nearby Tower Hill coach park and/or car parking station on Wapping Lane. The drop off/pick up activities will occur on Pennington Street and the proposed lay-by is acceptable. It is proposed that a time restriction to be implemented for a maximum stay to be for no more than 20mins.

Cycle:

The Council's Parking Standards require a minimum of 1 space per 10 staff. The proposal includes a total of 20 cycle parking spaces. This is considered to be acceptable. Appropriate shower and changing facilities will be provided for staff on the lower ground floor of the hotel.

Servicing arrangements:

The proposal includes on-street arrangement on Pennington Street. The proposal includes a lay-by which is 3m wide and is considered to be acceptable. The works will be carried out as part of s278 Agreement. A time restriction for loading/servicing will be restricted to maximum of 20mins. Accordingly no objections are raised, subject to a condition being attached which prevents servicing from taking place between 0700-1000 hours and 1600-1900 hours inclusive.

The Delivery/Servicing and Coach Management Plan should be secured to ensure that servicing activities do not occur during peak hours.

Refuse:

Details of refuse collection activities shall also be managed as part of Delivery and Servicing Management Plan.

Shared surfacing on Pennington Street

There is no objection to the proposed raised shared surface along Pennington Street. This would be secured at the applicant's expense via a s278 agreement, along with the works to proposed lay-by.

Conditions

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

1. Submission of details of necessary highways works
2. Hours of servicing
3. Servicing and Coach Management Plan to be submitted and approved.
4. Construction Management Plan to be submitted and approved
5. Travel Plan to be secured through s106.

(OFFICER COMMENT: The requested contributions and conditions have been secured within the s106 and attached to the decision notice respectively, as detailed within section 3 of this report. Highways and transportation matters are discussed in greater detail within section 8 of this report)

LBTH Sustainable Development

6.9 Energy

No objections – The proposal will achieve 29.2% reduction in carbon emissions through energy efficiency measures, a CHP system and renewable energy technologies is considered to be acceptable and in accordance with the above mentioned development plan policies.

Sustainability

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

(OFFICER COMMENT: Conditions have been attached as requested. Energy and sustainability measures are discussed in further detail within section 8 of this report)

LBTH Waste Policy & Development

- 6.10 No objections in principle – However further details of the refuse storage facility shall be provided. A refuse management plan shall be submitted and approved which details on the number of refuse and recycling bins and their capacity and collection details.

(OFFICER COMMENT: Condition has been attached)

English Heritage (statutory consultee)

6.11 Archaeology

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

Historic Buildings and Areas

The site is located between Grade 1 listed buildings; the Church of St Georges in the East to the north of the site and Tobacco Dock to the south. Development on the site would impact on the setting of both listed buildings. It is essential that this impact is fully assessed in light of all relevant policies including those contained within PPS5.

There is a concern that the proposed development does not contain any detail with regards to the architectural treatment of the proposed rooftop plant enclosure. Full assurance should be obtained that, whatever design outcome, no element of the rooftop plan would be visible from key views.

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

(OFFICER COMMENT: The applicant has reduced the rooftop plant by way of relocating it away from the roof edge. As such, it is now not visible from a number of key views. Heritage and conservation aspects of the scheme are discussed within section 8 of this report, below).

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

- 6.12 No objections.

Greater London Authority – Stage 1 response.

- 6.13
- The principle of a hotel and apart-hotel development at the site within the boundary of the City Fringe Opportunity Area is supported in line with London Plan Policy 4.5. Retail use is supported in line with London Plan policy 4.8.
 - There are number of outstanding concerns relating to the scale and bulk of the massing and impact on the heritage setting of the development that need to be addressed to ensure compliance with London Plan policies 7.1, 7.6, 7.8 and 4.5.
 - There are several matters which require resolution to ensure the highest standards of accessibility and inclusion are met, in line with London Plan Policy 7.2 and parking

policy 6.13.

- Several matters require further resolution to ensure compliance with London Plan Policies 5.2, 5.5, 5.6, 5.7, 5.10 and 5.13.
- Further works is required by the applicant in order to comply with London Plan Policies 6.9, 6.11, 6.10, 6.13 and 6.14.

(OFFICER COMMENT: The applicant has addressed the abovementioned issues as discussed in detail within section 8 of the report).

7. LOCAL REPRESENTATION

7.1 A total of 572 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 4 Objecting: 0 Supporting: 2 Neither: 2
No of petitions received: None received

7.2 The following local groups/societies made representations:

London and Middlesex Archaeology Society

The Committee actioned on behalf of the Council for British Archaeology in respect of Listed Buildings in Application within the Greater London Area objected to the scheme on the grounds that it does little to either preserve or enhance the character or appearance of the Conservation Area. It would be detrimental to the street scene and to the setting of the Listed Buildings. The site is very importance, backing on to Tobacco Dock and facing directly across to Hawksmoor's great church, St George's in the East. An imaginative proposal is called for and the application proposal fails to meet the challenge. At seven storeys plus rooftop plant rooms, it also fails to fit in with the scale of development along The Highway.

(OFFICER COMMENT: Design and heritage issues are discussed in detail at section 8 of this report)

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

In Support

- Welcomes the proposal to redevelop the long vacant site and considers the proposed use is appropriate for the area which will add to the vitality of this part of Wapping.
- The proposal will bring much needed investment and life to the area to the currently and area which London forgot.

General Comment

- Whilst supporting the application, there should be a width restriction placed on the residential end of Pennington Street to prevent construction traffic using this part of the road passed Breezer's Court and Telford Yard.
- Many visitors arriving to Shadwell DLR/Overground would access the site via St George's Gardens, in which need restoration and improvements. Contributions should be sought for the provision of disabled access through the Church and its grounds, which would be of immense benefit to the local community.
- Financial contributions should be sought to improve and enhance the immediate surrounding area.

(OFFICER COMMENT: Appropriate financial contributions are sought as detailed above in section 3 of the report, and Construction and Logistic Management Plan for construction

traffic management will be secured through a condition, however this is discussed in detail in section 8 of the report).

8. MATERIAL PLANNING CONSIDERATIONS

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

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

Land Use

- 8.2 The application proposes the erection of a 242-room hotel (Use Class C1); 63 serviced apartments (sui-generis) with associated ancillary hotel facilities including restaurant and bar (Use Class A3 and A4, respectively) located on the lower ground floor and ancillary retail use (Use Class A1). The 63 serviced apartments are made up of 3 x 2-bed duplex units, 38 x 1-bed units and 22 x studio units.
- 8.3 The site is located within the City Fringe Activity Area, where mixed use developments are encouraged to provide vitality and diversity in the City Fringe and support the functions of Central London.
- 8.4 The London Plan (2011) identifies tourism as an important part in the city's economy. To support London's visitor economy, policy 4.5 of the London Plan specifies a target of 40,000 net additional hotel bedrooms by 2031, of which at least 10 percent should be wheelchair accessible. Whilst the policy identifies the Central Activities Zone (CAZ) as a priority location for new hotel accommodations, it also recognises town centres, opportunity and intensification areas, and CAZ fringe locations where there is good public transport access to central London, to be suitable locations. Therefore it is considered that the area is an appropriate location for hotel and apart-hotels given its proximity to transport nodes, and as the proposed use will inject much needed vitality to the area and complement the future use of adjacent Tobacco Dock.
- 8.5 The applicant also submitted a Hotel Demand Study to support the application. The study finds that there is a continued demand for hotel rooms and apart-hotels in both the City and Canary Wharf. Given the site's location between the City and Canary Wharf and the ease of access to these areas from the site and also to the visitor attractions within the Tower Hill area, the study concludes that the application site is a suitable location for a hotel development.
- 8.6 Policy SP06 of the Core Strategy (2010) states that hotel developments should be concentrated in the Central Activities Zone and City Fringe Activity Area. Given the site's location in the CFAA, the proposed land use is therefore considered to be in accordance with the Core Strategy.
- 8.7 It is recognised that the IPG City Fringe Area Action Plan (2007) specifically identifies the application site together with adjacent Tobacco Dock site, collectively for hotel, retail and leisure (C1, A1, A2, A3, A4); residential (C3) and public open space.
- 8.8 In light of the above, it is considered that the proposed hotel, retail and restaurant land uses together with the proposed public plaza are in accordance with the abovementioned

development plan policies.

Design

- 8.9 Good design is central to all the objectives of the London Plan. Chapter 7 of the London Plan sets high design standard objectives in order to create a city of diverse, strong, secure and accessible neighbourhoods as well as a city that delights the senses. In particular, policy 7.2 seeks to achieve the highest standards of inclusive and accessible design; policy 7.4 requires development to have regard to the form, function and structure of an area, place or street and scale, mass and orientation of buildings around it; policy 7.5 seeks to enhance the public realm by ensuring that London's public spaces are secure, accessible, easy to understand and incorporate the highest quality landscaping, planting, furniture and surfaces; whilst policy 7.6 seeks to secure highest architectural quality.
- 8.10 Policies DEV1 and DEV2 of the UDP (1998) and the IPG (2007) state that the Council will ensure development creates buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings.
- 8.11 Policy SP10 of the Core Strategy (2010) seeks to ensure that developments promote good design to create high quality, attractive and durable buildings. This policy also seeks to preserve or enhance the wider built heritage and historic environment of the borough.
- 8.12 Lastly, policy CFR24 of the IPG City Fringe Area Action Plan (2007), requires new development within Wapping sub-area to improve the footpaths and street environments, quality of the streetscape/pedestrian environment enhancements, create development with active street frontages and strong built form along street frontages. The policy also seeks to secure a comprehensive approach to development of News International site and Tobacco Dock to promote attractive east-west pedestrian connections from St Katherine Docks to Tobacco Dock. Policy CFR25 sets out the objectives to improve local connectivity in Wapping sub-area.

Analysis

- 8.13 As detailed earlier in this report, the proposed building constitutes a 7 storey building with an additional lower ground floor on Pennington Street comprising a 242-room hotel together with 63 serviced apartments. Ancillary restaurant/bar, retail floorspace and meeting/conference room facilities are also proposed. The hotel bar/restaurant opens onto a new landscaped publicly accessible piazza and this space is accessible from Pennington Street and through a public accessible pedestrian arcade link which passes beneath the proposed hotel providing north-south pedestrian route from The Highway.

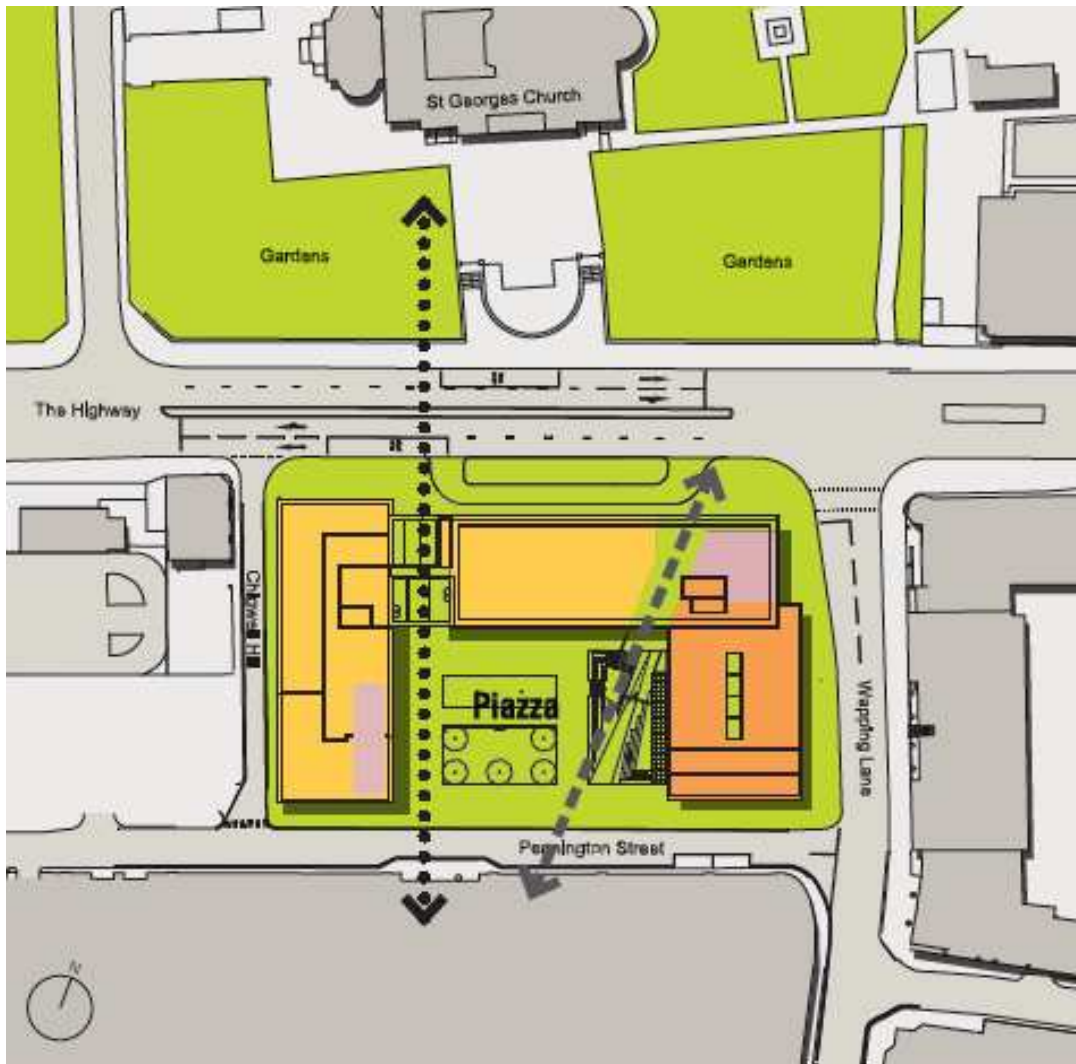


Image 1: Site layout with pedestrian thoroughfare (dashed line) and visual link (dotted line) between St Georges Church and Tobacco Dock indicated

- 8.14 The design of the hotel and the apart-hotel is in response to the sensitive context of the locality and rationalisation of some traditional design elements such as brick details and repetition of vertical rhythm and emphasis through large openings. The proposal visually separates the hotel and the apart-hotel uses through use of different materials. The main hotel building, as the predominant façade of the proposal, uses traditional brick to draw from the industrial warehouse characteristics of the surrounding area. The application is accompanied by a brick sample panel which is ‘Smead Dean Weathered Yellow’, and this is considered to be a good quality material for the main facades. Terracotta cladding is also proposed for the apart-hotel element of the scheme, which forms the predominant façade to Wapping Lane. The use of two different materials and its juxtaposition of horizontality of the terracotta and vertical rhythm of the brick subtly reduce the overall visual bulk of the scheme and introduce visual interest to the scheme. The submitted sample and its colour ‘Tobacco-Textured’ by manufacturer Sannini is considered to complement the main brick material. It is considered to be important for these materials to be secured in the context of the sensitive setting.
- 8.15 The scale, mass and height of the building are considered to be appropriate to the surrounding context. The heights of the proposed building vary to address the changing scale of the nearby buildings and the change in the topography of the site. On The Highway elevation, the height of the building on the eastern side, adjacent to the now vacant The Old Rose Pub, is 5 storeys with the 6th storey set in from the edges of the building. The central element of the building is 7 storeys in height with the brick façade articulated through glazed elements to the western side of the building. The height and the elevation treatment are

considered to be well balanced in the context of the existing built environment. To the Wapping Lane elevation, the height of the apart-hotel wing of the building is a storey lower than the main elevation to The Highway. However due to the fall in gradient of the site, the storey height remains as 7 storeys. The height reduces down to 5 storeys along Pennington Street and opposite Tobacco Dock. The proposed public piazza within the U-shaped building is considered to create a responsive site layout which provides a spacious transition between the proposed development and the Grade 1 listed Tobacco Dock immediately to the south. The piazza would provide publicly accessible space which can be accessed via a new arcade pedestrian link through the site which would create a pedestrian thoroughfare from St Georges in-the-East Gardens (and the transport hub at Shadwell DLR beyond) to the entrances of Tobacco Dock.

- 8.16 Some of the responses from statutory consultees and the Council's Design and Conservation Officer initially raised concerns with regard to the rooftop plant which was above the 7 storey building and highly visible. The applicant has addressed the concerns raised and now proposes a reduced sized plant screen which is further inset from the building edge and would not be highly visible from street level and from a number of key views. The Council's Design and Conservation Officer is now satisfied with the revised proposal and considers that this would have minimal impact to the setting of the Listed Buildings.



Image 2: View from Pennington Street (Public Piazza)



Image 3: The proposal viewed from The Highway looking east

- 8.17 In terms of the proposal and its contribution towards the public realm, it is considered that the location of the hotel entrance; introduction of the public arcade link and retail shop frontage along The Highway activates and enlivens the street frontage. The proposal also enhances the permeability through the site through the proposed glazed atrium at full height of the hotel and an opening at the ground floor level to provide a pedestrian arcade link. The glazed atrium also creates an interesting visual link as it has been positioned in order for St Georges Church to be visible from the entrance of Tobacco Dock. The proposal therefore improves pedestrian environment, as required by Policy CFR 25 which seeks to improve local connectivity and pedestrian environment.
- 8.18 With regard to Core Strategy policy SP10, which requires development to be of the highest quality and creatively respond to the historic character of the area, it is considered that the proposal successfully achieves this. It is not seeking to repeat or mimic the historic context, but rather to produce a building which responds well with the historic context through use of appropriate materials and fenestration details without being overly fussy, architecturally. It is thus fittingly civic and at an appropriate scale to its neighbours. The glazed elements and the introduction of terracotta cladding systems are interesting and appropriate response to the need for a multi-fenestrated facade driven by the proposed use.
- 8.19 With regard to secure by design aspects of the proposal, with adequate lighting and security measures within the public areas, it is not considered that the proposal would create an unsafe public environment. The request for the need of a gate to restrict access through the pedestrian arcade link during late hours is not considered appropriate in this instance as the hotel use and security operation would be 24 hours with appropriate site management in place. An installation of a gate would only restrict and discourage the use of the publicly accessible areas.
- 8.20 In light of the above, it is considered that the design of the proposal satisfies the abovementioned policies.

Heritage and Conservation

- 8.21 PPS5 (Planning and the Historic Environment) requires local planning authorities who

consider proposals which affect a heritage asset, such as Listed Buildings or a conservation area, to have special regard to the preservation and enhancement of the setting of the asset. In particular, policy HE9.1 of PPS5 states that there should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be.

- 8.22 Chapter 7 of the London Plan (2011) sets out policies relating to London's living places and spaces. Policies 7.8 and 7.9 seek to preserve, record, refurbish and enhance heritage assets wherever appropriate and reinforce the qualities that make the heritage asset significant, including buildings, landscape features and views.
- 8.23 Policy SP10 of the Core Strategy (2010) seeks to ensure that new development preserves or enhances the wider built heritage and historic environment of the borough, enabling the creation of locally distinctive neighbourhoods.
- 8.24 Policies CON1 – CON5 of the IPG (2007) seek to protect heritage assets such as Listed Buildings and conservation areas.

Analysis

- 8.25 As detailed above within the Design section of this report, the design of the proposal is the result of extensive discussion between the applicant and officers. It is considered that the proposal successfully respects the general form and expression of buildings and does not appear as unduly dominant or incongruous within the street scene or when viewed against neighbouring buildings.
- 8.26 English Heritage, within their consultation response dated 5th September 2011, state the following:

"We are concerned that the submitted elevations of the proposed development do not contain any detail with regard to the architectural treatment of the proposed rooftop plant enclosure. Key views containing the church and the proposed development would 'connect' at the roofline of the proposed development. It is therefore essential that the treatment of the roofline is fully resolved at this stage, to ensure that a visually clean edge is achieved between the development and the precisely cut Portland stone of the walls, turrets and tower of the church. Full assurance should be contained what, what ever the design outcome; no element of rooftop plant would be visible in key views."

- 8.27 As discussed earlier in the report, the applicant has responded to the concerns raised by EH in relation to the rooftop plant enclosure. Initially, the rooftop plant enclosure was approximately a metre set in from the buildings edge which created additional bulk and would have been highly visible from long views and the street scene. The revised rooftop plant is now set in 4 metres from the building edge, located centrally on the rooftop and therefore it will not be seen from the immediate surrounding and particular key views from the St George in-the-East Church and its Gardens would be minimal. Further details on its material and finish of the roof top plant will be in light weight material and is recommended that it be secured as a condition. Therefore, a visually clean edge between the development the Portland stone walls, turrets and towers of the Church can be achieved.
- 8.28 The proposal includes highway works to Pennington Street by a way of creating a raised shared surface between the site and Tobacco Dock. English Heritage and the Council's Conservation and Design officer considered that the raised shared surface would be acceptable to the setting of Grade 1 Listed building subject to the street surface treatment to remain as cobble set stones with clear definition of lines of original kerb footway edges and site boundaries to be retained through Highway design. Given that the works will be carried out by the Council as the Highway Authority through s278 works, the proposal is acceptable.

8.29 In summary, it is not considered that the proposed building would harm the setting of the adjacent and nearby listed buildings or the St Georges in the East Conservation Area. The proposed building design and scale are considered to protect and enhance the setting of the aforementioned heritage assets; and the area as a whole. The robust and clean outline of the proposed building, together with its simple façade detailing is considered to be an appropriate response to the setting of the aforementioned heritage assets.



Image 4: View of the proposed building from St Georges in-the-East Gardens

8.30 In light of the above, it is considered that the proposal is acceptable in heritage and conservation terms, and would protect and enhance the setting of the aforementioned heritage assets within close proximity of the site. The proposal is therefore in accordance with PPS5 and the abovementioned development plan policies.

Inclusive Design

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

8.32 The proposed 242 room hotel would provide 11 fully accessible bedrooms with the 12 suites capable of adaptation. This would comply with requirements of the London Plan policy 4.5, with 10% of the bedrooms to be wheelchair accessible. The proposed apart-hotel would provide 6 fully accessible apartments which represents 10% of the apartments.

8.33 The proposal also includes a pedestrian arcade link, as mentioned earlier. The pedestrian arcade link has been designed and extends to allow public access through the site via stairs and a ramp down to the public piazza level. Initially, officers raised a concern in relation to the proposed gradient of the access ramp as it does not meet the minimum DDA and Building regulations requirements. However, the Regulations stipulate that where the rise exceeds 2 metres, in the case of the application site, the extreme length of a DDA complaint ramp is a deterrent to users and the situation is best deal with by other means such as use of a lift. The proposal includes lift access through the hotel and a scope for Access Management Strategy has been submitted as a result of discussions with the applicant. The

scope outlines that clear legible wayfinding and directional signage will be provided to ensure that alternative access route is available to all. It also outlines standards and specific design features which will be detailed in an Access Management Plan to be secured through a planning condition. The Council's Access Officer is satisfied with the proposal.

- 8.34 Accordingly, the proposal is considered to be truly accessible in accordance with the aims and objectives of the aforementioned development plan policies.

Transportation & Highways

- 8.35 PPG13 and the London Plan (2011) seek to promote sustainable modes of transport, accessibility, and reduce the need to travel by car.
- 8.36 Saved UDP policies T16, T18, T19 and T21 require the assessment of the operation requirements of the development proposal and the impacts of traffic generation. They also seek to prioritise pedestrians and encourage improvements to the pedestrian environment. IPG policies DEV 16, 17, 18 and 19 require the submission of transport assessments including travel plans and set maximum parking standards for the Borough. Core Strategy policies SP08 and SP09 seek to deliver accessible, efficient and sustainable transport network and to ensure new development has no adverse impact on the safety and capacity of the road network, whilst ensuring that new developments have a high level of connectivity with the existing and proposed transport and pedestrian network.
- 8.37 As detailed within section 4 of this report, the site has a good level of accessibility to public transport, with a Public Transport Access Level of 4 where 1 represents the lowest and 6b the highest. As detailed above, the site is located approximately 330 metres south west of Shadwell DLR and Overground Station, and Wapping Overground Station is approximately 560metres away to south. There are several bus routes within the vicinity.

Car Parking

- 8.38 Policy 6.13 of the London Plan (2011), saved Policy T16 of the UDP, policies DEV17, DEV18 and DEV19 of the IPG and Policy SP09 of the Core Strategy seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 8.39 The proposed development provides a vehicle/taxi drop off and pick up area in front of the Hotel, which is accessed off The Highway. The ingress and egress of the drive-in and out area has been agreed with TfL, as the Highway Authority of The Highway. The pick up and drop off area is proposed to be a shared surface where necessary works will be undertaken via s278 Agreement with TfL. The proposal would provide sufficient pedestrian footpath within the application site in addition to the shared surface.
- 8.40 The proposal includes one disabled space in front of the hotel, nearer to the hotel's main entrance. The space is accessed off the proposed drop off area located off The Highway. The disabled parking space is acceptable and located appropriately.

Coach Parking

- 8.41 Planning Standard 3 of the Interim Planning Guidance (2007) requires a coach parking bay to be provided for every 100 hotel bedrooms. IPG policy DEV19 states that proposals which do not accord with the standard should demonstrate that the variation is necessary through a detailed transport assessment.
- 8.42 The application does not propose any provision for on-site coach parking, however, a coach drop off and pick up area will take place through a proposed lay-by on Pennington Street. The applicant states that if short term parking is required for coaches, it would be undertaken at the nearby Tower Hill Coach Park, located approximately 1.5km away in Lower Thames

Street and contains 16 coach parking bays.

- 8.43 LBTH Highways raise no objections to the proposed lay-by on Pennington Street. Through the request of officers, the applicant has demonstrated that a coach could be accommodated accessing Pennington Street. LBTH Highways have also suggested that a time restriction will be imposed for a maximum stay of 20 minutes for the use of lay-by on Pennington Street by coaches or service vehicles. As detailed below in the analysis of the servicing and delivery aspects of the proposal, a condition has also been attached which requires the submission of a Delivery, Servicing and Coach Management Plan, as well as a condition which only allows servicing during the off-peak periods identified within the submitted pedestrian and vehicle movement periods. Officers consider that such measures would significantly reduce the likelihood of coaches arriving at the hotel and therefore any conflict between coaches and servicing vehicles.
- 8.44 In conclusion, given the site's city fringe location, its good PTAL rating, within close proximity of DLR and overground stations, the provision of dedicated drop-off/pick-up areas, it is considered that the likelihood of coaches arriving at the hotel is minimised and therefore would not unduly detriment pedestrian movement nor the safe operation of the highway. The proposal is therefore considered to accord with the aforementioned development plan policies.

Servicing and Deliveries

- 8.45 It is proposed for servicing and deliveries to take place on-street, from the proposed lay-by on Pennington Street. LBTH Highways have raises no object to the on-street servicing however indicated that a time restriction will be put in place to a maximum dwell time of 20 minutes.
- 8.46 Within the submitted Transport Assessment, a survey and a comparison with a comparable hotel within inner London, the proposed development could expect up to 7 medium sized goods vehicle over a 12 hour period. Notwithstanding this, it would be possible to secure the lesser vehicle trips by way of requiring the submission and agreement of a Delivery & Service Management Plan by condition. The Plan will also ensure that delivery times are managed so that only one delivery occurs at any one time. A separate condition is also proposed which prevents servicing from taking place between 0700-1000 hours and 1600-1900 hours inclusive.

Refuse

- 8.47 The application details that the proposal incorporates waste storage at lower ground floor level which would be collected at kerbside on Pennington Street. The Transport Assessment indicates that it is anticipated that refuse collection will take place once weekly.
- 8.48 It is recommended that any grant of permission is subject to a condition requiring the implementation of an agreed Delivery & Servicing Plan (DSP), as previously detailed.

Raised shared surface on Pennington Street

- 8.49 The proposal includes the raising of the cobble street surface to create a shared surface for the length of the site along Pennington Street. LBTH Highways have no objection to the raised surface from Highway safety point of view and therefore the works would be secured at the applicant's expense via a s278 agreement.

Cycle Parking

- 8.50 The Interim Planning Guidance (2007) requires 1 cycle parking space per 10 staff. The proposal anticipates 200 employees within the Hotel and apart-hotel and therefore the

required provision would be 20 cycle parking spaces.

- 8.51 A total of 11 Sheffield-style cycle stands are proposed to be provided, 5 stands in front of the hotel and 6 stands to the rear of the hotel. The total of 22 cycle parking spaces can be provided with each stand capable of securing two bicycles. This therefore exceeds the minimum cycle parking requirements as defined within the Interim Planning Guidance (2007) and is therefore acceptable.
- 8.52 As mentioned in paragraph 4.9, the Council recently approved an application by TfL for the installation of Barclays Cycle Hire docking station on footpath adjacent to the application site. This proposal would conflict with the proposed access off The Highway for the drop-off and pick-up area for the hotel. The applicant has been in close dialogue with TfL to seek alternative arrangements. It has been agreed that TfL will support the relocation of the Docking Station subject to financial contribution and compensation towards the relocation. The applicant has agreed to a financial contribution towards the Cycle hire scheme which is detailed later in this section of the report.

Amenity

Daylight and Sunlight

- 8.53 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (1991).
- 8.54 Policy 7.6 of the London Plan (2011) requires that all large-scale buildings to pay particular attention in residential environments to amenity and overshadowing. Furthermore, they should be sensitive to their impact on micro-climate in terms of sun, reflection and overshadowing. Saved Policies DEV1 and DEV2 of the UDP (1998) and Policies DEV1 and DEV27 of the IPG (2007) require that developments should not result in a material deterioration of sunlight and daylight conditions. Core Strategy Policy SP10 also seeks to protect amenity, and promotes well-being including preventing loss of privacy and access to daylight and sunlight.
- 8.55 The application is accompanied by a Daylight and Sunlight Assessment and it analysed the effect of the proposed development on the daylight and sunlight amenity to the following properties.
- 4 Wapping Lane (a block of residential flats); and
 - The Old Rose Pub

The assessment concludes that the proposal does not fully comply with the BRE Guidelines in daylight terms however, this is inevitable as the site has been cleared for over 20 years. The report indicates that from the total 117 windows tested 61 windows will comply with the BRE guidelines. This represents 52% of the windows will comply with the BRE guidelines for Vertical Sky Component (VSC) analysis. It should be noted however, that the VSC should be considered into context with the No Sky line analysis and it concludes that 54% of the windows within Wapping Lane will comply with BRE Guidelines and The Old Rose Pub windows will not be affected. With regards to Average Daylight Factor (ADF), which can be a more accurate measurement of average daylight in a room when the dimensions of a room is known, the results show that currently 4 rooms within Wapping Lane flats do not meet the minimum criteria. Therefore with the proposal, additional 4 rooms will not satisfy the recommended values of ADF. It should be noted that the 7 of the 8 rooms have protruding balconies above and/or recessed entries and therefore natural light is restricted by its own building design features. Overall, whilst the proposal does not fully comply with BRE Guidelines in daylight terms, given the urban context and the site being cleared for over 20 years the proposal is considered to be acceptable.

- 8.56 In relation to availability of sunlight, overall development proposals considered to have no impact on sunlight to neighbouring habitable rooms and will fully comply with BRE guidelines in sunlight terms. In assessing the over shadowing impact to amenity areas, the proposed design, layout and orientation of the hotel and apart-hotel will not cast any permanent shadow to the St George in-the-East Church Grounds and the proposed public piazza within the development.
- 8.57 Whilst the proposal is not fully complying with the BRE guidance in terms of daylight, the proposal does not have any impact on sunlight on neighbouring windows and overshadowing to open amenity areas. Therefore, on balance, whilst there are failures to availability of daylight and in the context of its urban location and the site being cleared for over 20 years, it is considered that this would not warrant refusal on its own. The proposal is therefore considered to be in line with Policy 7.6 of the London Plan (2011), saved Policies DEV1 and DEV2 of the UDP (1998), Policies DEV1 and DEV27 of the IPG (2007) and Policy SP10 of the Core Strategy (2010) with regards to sunlight and daylight.

Noise and Vibration

- 8.58 PPG24 is the principal guidance adopted within England for assessing the impact of noise on proposed developments. The guidance uses noise categories ranging from NEC A where noise doesn't normally need to be considered, through to NEC D where planning permission should normally be refused on noise grounds.
- 8.59 Policy 7.15 of the London Plan (2011) sets out guidance in relation to noise for new developments and in terms of local policies, saved policies DEV2 and DEV50 of the UDP (1998), policies DEV1, DEV10, DEV12, DEV27 and HSG15 of the IPG (2007), and policies SP03 and SP10 of the Core Strategy (2010) seek to minimise the adverse effects of noise.
- 8.60 The applicant will be required to incorporate appropriate noise insulation measures in accordance with Building Regs. It is also considered appropriate to condition the restriction of hours for the use of the piazza area in association with the restaurant use of the hotel. Finally, conditions are also recommended to ensure any plant and machinery incorporates sufficient noise attenuation measures.
- 8.61 In terms of noise and vibration during demolition and construction, conditions are also recommended which restrict construction hours and noise emissions and requesting the submission of a Construction Management and Logistic Plan which will further assist in ensuring noise reductions. The Construction Management and Logistic Plan will also be required to address construction traffic which should avoid residential streets and minimising impact to the Olympic Route Network within the borough. The arrangement will be carefully considered, in conjunction with TfL.
- 8.62 As such, it is considered that the proposals are generally in keeping with Planning Policy Guidance Note 24, policy 7.15 of the London Plan (2011), Saved policies DEV2 and DEV50 of Tower Hamlets UDP (1998), policies DEV1, DEV10, DEV12 and DEV27 of Tower Hamlets IPG (2007), and policies SP03 and SP10 of the Core Strategy (2010).

Privacy

- 8.63 Core Strategy Policy SP10 seeks to ensure that buildings promote good design principles to create buildings, spaces and places that are high-quality and protect amenity including preventing loss of privacy. The only direct overlooking habitable room to habitable room relationship would be between apart-hotel and the residential flatted building on the opposite side of Wapping Lane. Whilst the separation distance would be approximately 15m, these windows are separated by a road which is expected in an urban environment. It is considered that the development does not result in any undue loss of privacy to residents, or commercial occupiers.

Energy Efficiency and Sustainability

- 8.64 At a national level, PPS22 and PPS1 encourage developments to incorporate renewable energy and to promote energy efficiency. At a strategic level, Policy 5.2 of the London Plan (2011) requires major developments to submit an energy assessment.
- 8.65 The Mayor's Energy Strategy sets out the Mayor's energy hierarchy which is to:
- Use Less Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and
 - Use Renewable Energy (Be Green).
- 8.66 The London Plan 2011 includes the target to achieve a minimum 25% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2).
- 8.67 Saved Policy DEV2 of the UDP (1998), DEV6 of the IPG (2007) and SP02 of the Core Strategy (2010) seek to incorporate the principle of sustainable development, including use of energy efficient design and materials, and promoting renewable technologies. The London Borough of Tower Hamlets Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.
- 8.68 The submitted energy strategy follows the Mayor's energy hierarchy as detailed above. The development would make use of energy efficiency and passive measures to reduce energy demand (Be Lean). The integration of a communal heating scheme incorporating a Combined Heat and Power (CHP) engine to supply the space heating and hotwater requirements in accordance with policy 5.6 of the London Plan will also reduce energy demand and associated CO2 emissions (Be Clean).
- 8.69 Photovoltaic cells are proposed to provide a source of on site renewable energy (Be Green). The technologies employed would result in a 1% carbon savings over the baseline. Through the maximisation of the CHP system to deliver space heating and hot water it is acknowledged that achieving a 20% reduction in CO2 emissions through renewable energy technologies is not feasible. Whilst the proposed development is not meeting Core Strategy Policy SP11, the Sustainable Development Team support the application as the development is in compliance with the London Plan (Policy 5.2) through achieving a cumulative 29.2% reduction in carbon emissions above the Building Regulation requirements.
- 8.70 The anticipated 29.2% reduction in carbon emissions through energy efficiency measures, a CHP system and renewable energy technologies is considered to be acceptable and in accordance with the above mentioned development plan policies. It is recommended that the strategy is secured by Condition and delivered in accordance with the submitted Energy Strategy Report dated April 2011 Revision G.
- 8.72 In terms of sustainability, London Borough of Tower Hamlets requires all commercial development to achieve a BREEAM 'Excellent' rating. This is to ensure the highest levels of sustainable design and construction in accordance with Policy 5.3 of the London Plan 2011 and Policy DEV 5 of the London Borough of Tower Hamlets Interim Planning Guidance.
- 8.73 The applicant has submitted a Sustainability Statement (April 2011) that sets out the commitment to achieving an Excellent rating under the BREEAM 2008 methodology. It is recommended that the achievement of these ratings is secured through an appropriately worded Condition.

Section 106 Agreement

- 8.74 As set out in Circular 05/2005, planning obligations should only be sought where they meet the 5 key tests. The obligations should be:
- (i) Relevant to planning;
 - (ii) Necessary to make the proposed development acceptable in planning terms;
 - (iii) Directly related to the proposed development;
 - (iv) Fairly and reasonably related in scale and kind to the proposed development;
and
 - (v) Reasonable in all other respects.
- 8.75 More recently, regulation 122 of the Community Infrastructure Levy Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they are:
- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Are fairly and reasonably related in scale and kind to the development.
- 8.76 Policies 8.1, 8.2, 8.3 of the London Plan (2011), Saved policy DEV4 of the UDP (1998), policy IMP1 of the IPG (2007) and policy SP13 in the Core Strategy (2010) seek to negotiate planning obligations through their deliverance in kind or through financial contributions.
- 8.77 The Council has recently published a draft Supplementary Planning Document on Planning Obligations in August 2011. This document which is currently out to public consultation; provides guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. In light of this, LBTH Officers have identified the following contributions to mitigate against the impacts of the proposed development, which the applicant has agreed.
- 8.78 As detailed above within section 3.1 of this report, LBTH Officers have identified the following contributions to mitigate against the impacts and it is recommended that a S106 legal agreement secure the following Heads of Terms:

Financial Contributions

1. Employment & Enterprise: Between £77,108 and **£108,108** towards the training and development of unemployed residents in Tower Hamlets to access:
 - o Jobs within the hotel developmental end-use phase; or
 - o Jobs or training within Hospitality, Leisure, Travel & Tourism employment sectors in the final development
2. Highways, Street scene and Public Realm Improvement: **£154,000** towards improvements to public realm within the vicinity (Wapping Lane and/or Chigwell Hill);
3. Public Open Space and Leisure: **£238,000** towards improving and increasing provision of Public Open Spaces.
4. Heritage Improvements: **£100,000** towards disabled access improvements to the Grade I listed building (St Georges in the East):
5. Legible London (TfL): **£15,000** towards erection of a lith outside the Hotel, and general improvements wayfinding and walking routes within the vicinity of the site.
6. TfL Cycle Hire Scheme: **£223,000** towards the relocation of cycle hire scheme within the vicinity of the site.
7. Monitoring fee: 5% of the total financial contribution

Non-Financial Contributions

8. Car-free Agreement;
9. Code of Construction Practice - To mitigate against environmental impacts of construction;
10. Reasonable endeavours for 20% goods/services to be procured during the construction phase should be achieved by businesses in Tower Hamlets;
11. Access to Employment - To promote employment of local people during and post construction, including an employment and training strategy or a financial contribution of £31,000 for the delivery of this training by Skillsmatch;;
12. Green Travel Plan; and
13. Public access through the hotel and square

Streetscene and Public Realm

8.79 *Public Realm*

The Council seek £135,000 towards Streetscene and public realm improvements. The proposed development would represent a significant intensification of the use of the site and a significant uplift in existing commercial floorspace. The historical sensitivity is considered to be high and new development in this locality is required to mitigate and compensate its impact on wider environment to protect and enhance these national and local heritage assets. For these reasons upgrade to streets, public realm and highways is secured to be in high specification. £135,000 will go towards upgrading works along Wapping Lane and/or Chigwell Hill. Works along Pennington Street is proposed as part of the application and therefore, the works will be carried out under s278 Highways Agreement, at the applicant's expense.

8.80 *Heritage Improvements*

The Council will seek £100,000 towards disabled access improvements to the Grade I Listed Building, St George in-the-East Church and/or its grounds. The proposed development is likely to impact upon the local and national heritage asset, in particular the intensified use of the grounds and the building itself. Therefore, the contribution to improve and upgrade accessibility to the St Georges in-the-East Grade I listed building and/or its grounds is entirely appropriate. The English Heritage, council's conservation officer and a representative of St Georges in-the-East consider this to be appropriate and necessary.

8.81 *Legible London Wayfinding Scheme*

Transport for London have requested a contribution of £15,000 to a lith and wayfinding via the London wide 'Legible London' scheme as means of signposting for navigation on foot.

Employment and Enterprise

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

The Council seek a contribution of £35,048 towards support and/or provide for trainings and skills needed for local residents in accessing new job opportunities in the construction phase of the development.

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

The council seeks a £42,060 monetary contribution towards the training and development of unemployed residents in Tower Hamlets to access either:

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

In addition the council requests that, 20% of the final workforce, will be those residing in Tower Hamlets and will be given the following sector related training:

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

Modules include:

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

If the developer is unable to provide or deliver the training, we will request a monetary contribution of £31,000 for the delivery of this training to local residents. For this reason the total contribution towards Employment and Enterprise is between £77,108 and £108,108.

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

8.84 Public Open Space

A contribution of £238,000 is sought to increase and improve the provision of public realm open space. An increase in population caused by new development (including commercial development) will result in additional pressure being placed upon existing areas of open space and will required to contribute to open space to ensure the impact of the population increase on the existing areas space is properly mitigated.

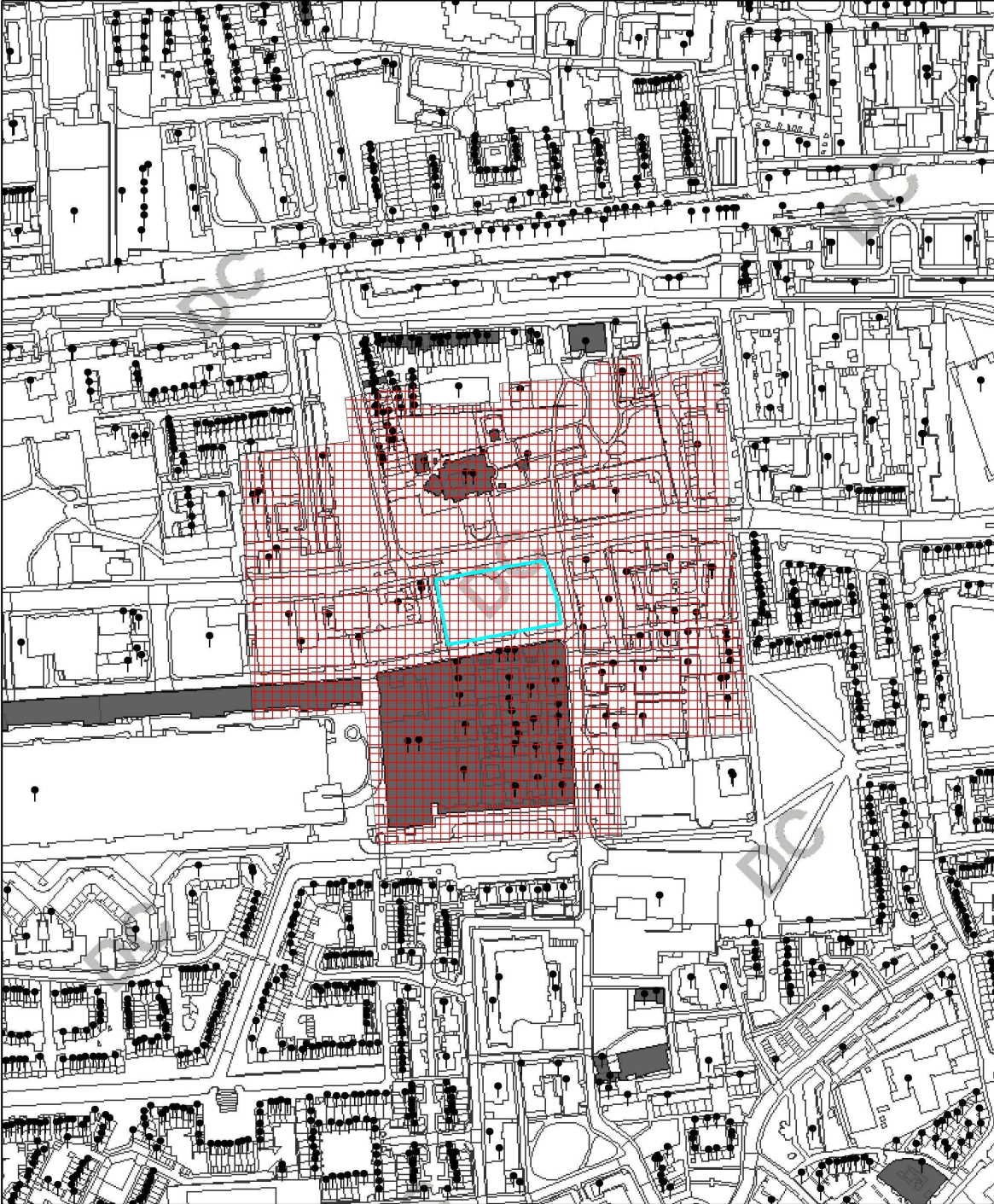
Other Contribution Requests

- 8.85 A contribution of £223,000 has been requested by TfL towards the cycle hire scheme in the area. TfL explain that the contribution would be used to relocate the already approved cycle hire docking station elsewhere as a result of the proposed development. The cycle hire docking station would meet the additional demand created by users of the proposed hotel.



9 Conclusions

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

Planning Application Site Map



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-  Planning Application Site Boundary
-  Other Planning Applications
-  Consultation Area
-  Land Parcel Address Point

