

Meeting of the

STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 1 March 2012 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, 1 March 2012

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.

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 19th January 2012.

PAGE NUMBER	WARD(S) AFFECTED
------------------------	-----------------------------

3 - 6	
--------------	--

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.

7 - 8

Please note that the deadline for registering to speak at this meeting is Tuesday 28th February 2012.

6. DEFERRED ITEMS

Nil Items.

9 - 10

7. PLANNING APPLICATIONS FOR DECISION

11 - 14

7 .1 Tower House, 38-40 Trinity Square, London EC3N 4DJ (PA/11/00163)

15 - 124

**St
Katharine's
& Wapping
Blackwall &
Cubitt Town**

7 .2 Poplar Business Park, 10 Prestons Road, London E14 9RL (PA/11/03375)

125 - 170

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 7.30 P.M. ON THURSDAY, 19 JANUARY 2012

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

Members Present:

Councillor Helal Abbas (Chair)

Councillor Carlo Gibbs
Councillor Dr. Emma Jones
Councillor Judith Gardiner

Councillor Denise Jones

Other Councillors Present:

None.

Officers Present:

Pete Smith	– Development Control Manager, Development and Renewal
Megan Nugent	– Legal Services Team Leader, Planning, Chief Executive's
Simon Ryan	– Deputy Team Leader, Development and Renewal)
Zoe Folley	– Committee Officer, Democratic Services Chief Executive's
	–

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillor Khaled Uddin Ahmed and Bill Turner for whom Councillor Denise Jones was deputising.

2. DECLARATIONS OF INTEREST

No declarations of interests were made.

3. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the extraordinary meeting of the Committee held on 28th November 2011 and the ordinary meeting held on 8th December 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

It was noted that there was no speakers registered for this meeting.

6. DEFERRED ITEMS

Nil items.

7. PLANNING APPLICATIONS FOR DECISION

8. 45 MILLHABOUR, LONDON (PA/11/00798)

Update Report Tabled.

Before the consideration of this item, Mr Pete Smith, Development Control Manager drew attention to two new policy documents. The 'Managing Development' Development Plan Document and the Fish Island Area Action Plan. He outlined their current status. Where relevant, weight would need to be placed on them in future.

At the request of the Chair, Mr Pete Smith, Development Control Manager, introduced the application (PA/11/00798) regarding redevelopment of the site at 45 Millhabour, London.

Mr Simon Ryan, Deputy Team Leader, Planning Services, made a detailed presentation of the application, as contained in the circulated report and update, including plans and a slideshow. Mr Ryan explained the site and surrounds falling within the Millennium Quarter and its current use. Part of the site was presently being used as a place of worship. He referred to the scope

of the consultation resulting in 11 individual objections and the issues raised. The material consideration for consideration concerned land use, housing, design, amenity, transport, sustainability and the Section 106 agreement as set out in the report. On balance it was considered that the proposal complied with policy and was acceptable on all grounds.

Mr Ryan also explained the housing mix. Overall it was considered that the scheme provided an acceptable level of affordable housing taking into account viability. Mr Ryan also described the amenity space in line with policy, the car parking plans and the S. 106 contributions.

In terms of sunlight/ daylight, Officers explained the results of the testing on nearby windows. Whilst there could be some impact on these properties including an impact on the outline plans for 47 Millhabour, on balance Officers did not consider that this outweighed the overall benefits of the scheme.

Regarding the current place of worship, the Charity were under the full understanding that the lease arrangements were on a temporary basis. Officers had received a letter today from the Charity stating that they were in advanced negotiations to identify an alternative site for the place of worship and that this letter could be circulated to the Committee.

The Committee then raised a number of questions concerning:

- The source of the objections.
- The adequacy of the provision for 3-4 bed social units.
- The significant amount of development already in this area.
- Location of the social housing within the scheme.
- Clarification of the education and health contributions. In particular the division between primary and secondary school places. The consultation carried out with LBTH Children's Services regarding feasibility of proposals.
- The loss of sunlight - specifically the properties affected.
- Further details of the children's play space. The need for this to accommodate all age ranges.
- Acceptability of the density range.
- Access to the roof top terraces.

In response to these points, Officers referred to the policy for socially rented family units. Whilst the scheme fell short of the target in certain categories, the overall provision for family units exceeded requirements. Any changes in the housing mix could put at risk its viability.

In terms of daylight and sunlight, Officers explained in greater detail the properties tested and the methods used including the vertical sky component (VSC) and the Daylight Distribution (NSL). Overall the vast majority of windows tested passed these two tests.

Officers clarified the input of Children's Services in preparing the education package. Children's Services provided the figures, carried out the calculation and have the opportunity to comment on whether or not the proposal was adequate. In this case, they were supportive of the proposal and considered it would meet the additional demands.

Officers also clarified the location of the affordable housing and the units amenity space. The restrictions on access to the roof top terraces were simply due to physical layout. Details of the children's play space would be secured by condition with a view to meeting the needs of the different categories of age groups.

The area had been identified in the Millennium Quarter Master Plan as suitable for high residential development. Officers had assessed the overall impact of the scheme. Taking to account all the relevant impacts, they did not consider it bore any symptoms of overdevelopment.

On a unanimous vote the Committee **RESOLVED**

1. That the application for planning permission be **GRANTED** at 45 Millhabour, London (PA/11/00798) for the demolition of existing buildings and erection of a part 7 storey & part 14 storey mixed use building comprising 880sq.m of ground floor commercial (A2/A3/B1) floorspace, 132 residential flats (C3), ground level public open space and associated underground parking subject to.
 - A. Any **direction** by **The Mayor of London**
 - B. The prior completion of a **legal agreement** to secure the planning obligations detailed in the report.
2. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above.
3. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters detailed in the report.
4. That if, within three months of the date of this committee the legal agreement has not been completed, the Corporate Director of Development & Renewal is delegated power to refuse planning permission.

The meeting ended at 8.10 p.m.

Chair, Councillor Helal Abbas
Strategic Development Committee

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: 1 st March 2012	Classification: Unrestricted	Agenda Item No: 6
Report of: Corporate Director of 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.
- 1.2 There are currently no items that have been deferred.

2. RECOMMENDATION

- 2.1 That the Committee note the position relating to deferred items.

LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

Brief Description of background papers:
Application, plans, adopted UDP. draft
LDF and London Plan

Tick if copy supplied for register

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

This page is intentionally left blank

Agenda Item 7

Committee: Strategic Development	Date: 1 st March 2012	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), Managing Development DPD – Proposed Submission Version January 2012, 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 Members should note that the Managing Development DPD has reached the same stage in its development as the 2007 Interim Planning Guidance. With the Managing Development DPD being the more recent document and having regard to the London Plan 2011, it could be considered to be more relevant and to carry more weight than the 2007 Interim Planning Guidance documents.
- 3.9 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.10 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.
- 3.11 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.

This page is intentionally left blank

Agenda Item 7.1

Committee: Strategic Development	Date: 1st March 2012	Classification: Unrestricted	Agenda Item No: 7.1
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:	<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, 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 there are numerous listed buildings within the vicinity of the application site, including the adjacent buildings at nos. 41 and 42 Trinity Square are Grade II Listed, whilst portions of the adjacent Roman Wall are Grade I Listed and also a Scheduled Monument. Please see paragraph 9.12 for a full list of the heritage assets in close proximity of the application site

Conservation Area: The Tower Conservation Area

2. BACKGROUND

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

3. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 3.1
- A hotel-led scheme will contribute to the strategic target for new hotel accommodation. It will complement the Central Activity Zone's role as a premier visitor destination and in this respect, will support London's world city status. The scheme therefore accords with policy 4.5 of the London Plan (2011), saved policies EMP3 and CAZ1 of the Council's Unitary Development Plan (1998), policies SP06 and SP12 of the Core Strategy Local Development Framework (2010), policies DM1 and DM7 of the draft Managing Development DPD (Proposed Submission Version January 2012) and policies EE2 and CFR15 of the Council's Interim Planning Guidance (October 2007) which seek to promote tourism and hotel developments within the Central Activity Zone
 - The ancillary cafe (Use Class A3), bar (Use Class A4) and meeting rooms (Use Class B1) are acceptable as they will provide for the needs of the development and demand from surrounding uses, and also present employment in a suitable location. As such, it is in line with saved policy DEV3 of the Council's Unitary Development Plan (1998), policy SP06 of the Core Strategy Local Development Framework (2010), policies DM1 and DM15 of the draft Managing Development DPD (Proposed Submission Version January 2012) and policies DEV1 and CFR1 of the Council's Interim Planning Guidance (October 2007) which seek to support mixed use developments and local job creation
 - The height, materials, scale, bulk and design of the building is acceptable and is

considered to respect, preserve and enhance the character and setting of the Tower of London World Heritage Site, the Tower Conservation Area and surrounding conservation areas, the adjacent protected London Square, listed buildings and the adjacent Scheduled Ancient Monument. As such, the proposal is in accordance with Planning Policy Statement 5, policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan (2011) and the draft London World Heritage Sites – Guidance on Settings SPG (2011), as saved policies DEV1 and DEV34 of the LBTH UDP (1998), policies DEV2, CON1, CON2 and CFR18 of the Interim Planning Guidance (2007), policies SP10 and SP12 of the Core Strategy Development Plan Document (2010) and policies DM24, DM26, DM27 and DM28 of the draft Managing Development DPD (Proposed Submission Version January 2012), which seek to protect the character, appearance and setting of heritage assets and the historic environment, including World Heritage Sites. The proposal is also in accordance with the aims and objectives of Tower of London World Heritage Site Management Plan (Historic Royal Palaces, 2007)

- The proposal does not detrimentally impact upon protected views as detailed within the London Plan London Views Management Framework Revised Supplementary Planning Guidance (July 2010) and maintains local or long distance views in accordance policies 7.11 and 7.12 of the London Plan (2011), policy SP10 of the Core Strategy Development Plan Document (2010) and policies DM26 and DM28 of the draft Managing Development DPD (Proposed Submission Version January 2012) which seek to ensure large scale buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.
- The proposed development and associated public realm is considered to be inclusive and is also considered to improve the permeability and legibility of the immediate area. As such, the proposal complies with policies 7.2, 7.4 and 7.5 of the London Plan (2011), saved policy DEV1 of the Council's Unitary Development Plan (1998), policy SP09 of the Core Strategy (2010), policy DM23 of the draft Managing Development DPD (Proposed Submission Version January 2012) and policies DEV3, DEV4, CFR1, CFR2 and CFR18 of the Council's Interim Planning Guidance (October 2007) which seek to maximise safety and security for those using the development and ensure public open spaces incorporate inclusive design principles. The scheme is also in accordance with the aims of the Tower of London World Heritage Site Management Plan (2007) which seeks to improve public realm and linkages to the Tower of London
- It is not considered that the proposal would give rise to any undue impacts in terms of privacy, overlooking, sunlight and daylight, and noise upon the surrounding residents or occupiers. As such, the proposal is considered to satisfy the relevant criteria of saved policy DEV2 of the Council's Unitary Development Plan (1998), policy SP10 of the Core Strategy Local Development Framework (2010), policy DM25 of the draft Managing Development DPD (Proposed Submission Version January 2012) and policy DEV1 of the Council's Interim Planning Guidance (October 2007), which seek to protect residential amenity
- Transport matters, including parking, access and servicing, are acceptable and in line with London Plan policies 6.4, 6.7, 6.9, 6.10, 6.11, 6.12 and 6.13 of the London Plan (2011), saved policies T16 and T19 of the Council's Unitary Development Plan (1998), policy SP09 of the Core Strategy Local Development Framework (2010), policy DM20, DM21 and DM22 of the draft Managing Development DPD (Proposed Submission Version January 2012) and policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007), which seek to ensure developments minimise parking and promote sustainable transport options

- Sustainability matters, including energy, are acceptable and in line with policies 5.1 – 5.3 of the London Plan (2011), policy SP11 of the Core Strategy Local Development Framework (2010), policy DM29 of the draft Managing Development DPD (Proposed Submission Version January 2012) and policies DEV5 to DEV9 of the Council's Interim Planning Guidance (October 2007), which seek to promote sustainable, low carbon development practices
- Financial contributions have been secured towards the provision of transport and highways improvements; employment & training initiatives; and leisure and tourism promotion in line with Government Circular 05/05, the Community Infrastructure Levy Regulations 2010, saved policy DEV4 of the Council's Unitary Development Plan (1998), the Planning Obligations SPD (2012) and policy SP13 of the Core Strategy (2010) which seek to secure contributions toward infrastructure and services required to facilitate proposed development

4 RECOMMENDATION

- 4.1 **A.** That it is recommended that the Committee GRANT planning permission subject to the previously proposed s106 package, as follows:

Financial Contributions

- a) Highways & Transportation: **£103,000**, comprising:
 - £3,000 towards monitoring the Travel Plan
 - £50,000 towards the Legible London wayfinding scheme
 - £50,000 towards the Cycle Hire Scheme
- b) Employment & Enterprise: Up to **£108,450** (see contributions h & i below) towards the training and development of unemployed residents in Tower Hamlets to access either:
 - Jobs within the hotel developmental end-use phase; or
 - Jobs or training within Hospitality, Leisure, Travel & Tourism employment sectors in the final development
- c) Leisure & Tourism promotion: **£54,500**; comprising:
 - £26,500 towards developing a destination map of the Borough for visitors
 - £28,000 towards business tourism promotion and implementing a programme with Visit London to promote Tower Hamlets as a business tourism destination in the UK, European and International Meeting, Incentive, Conference and Exhibition Market

Non-Financial obligations

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

- j) Access to Employment - To promote employment of local people during and post construction, including an employment and training strategy;
- k) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

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

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

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

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

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

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

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

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

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

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

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

Conditions and Informatives

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

Conditions

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

- 7) Construction Management and Logistics Plan;
 - 8) Construction Environmental Management Plan;
 - 9) Foul and surface water drainage;
 - 10) Impact statement, monitoring and protection of ground water;
 - 11) Contamination – investigation and remediation
 - 12) Archaeology;
 - 13) Air quality assessment;
 - 14) Evacuation plan;
 - 15) Scheme of necessary highways improvements to be agreed (s278 agreement);
 - 16) Piling and foundations;
 - 17) Landscape management;
 - 18) Ventilation and extraction;
 - 19) Waste Reduction Management Plan including recycling;
 - 20) Travel Plan;
 - 21) Coach, Delivery and Service Management Plan;
 - 22) 5% Accessible hotel rooms and 5% future proofed;
 - 23) Access management plan;
 - 24) Pedestrian audit;
 - 25) BREEAM;
 - 26) Means of access and egress for people with disabilities;
 - 27) Hours of building works;
 - 28) Hours of opening of terrace;
 - 29) Hammer driven piling;
 - 30) Noise levels and insulation;
 - 31) Vibration;
 - 32) Submission of revised Energy Strategy demonstrating reductions of 35% beyond the CO2 emission reduction standards as set out in the Building Regulations 2010
 - 33) Integration of Combined Heat and Power;
 - 34) Hotel Use Only;
 - 35) Submission of secure by design and counter-terrorism statement;
 - 36) Period of hotel suite occupation no longer than 90 consecutive days;
 - 37) Approved plans; and
- Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

Informatives

- 4.7
- 1) Section 106 agreement required;
 - 2) Section 278 & 72 Highways agreements required;
 - 3) Contact Thames Water regarding installation of a non-return valve, petrol/oil-interceptors, water efficiency measures and storm flows;
 - 4) Changes to the current licensing exemption on dewatering;
 - 5) Contact LBTH Environmental Health;
 - 6) Contact Environment Agency;
 - 7) Section 61 Agreement (Control of Pollution Act 1974) required;
 - 8) Closure of road network during Olympic and Paralympics Games
 - 9) Contact London Fire & Emergency Planning Authority; and
- Any other informative(s) considered necessary by the Corporate Director Development & Renewal.
- 4.8 That, if by 1st June 2012, the legal agreement has not been completed; the Corporate Director of Development & Renewal is delegated power to refuse planning permission.

5. UPDATES

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

Call-In Request to the Secretary of State

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

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

Environmental Impact Assessment - Screening Direction

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

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

6. POLICY FRAMEWORK - UPDATES

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

Managing Development DPD (Proposed Submission Version January 2012)

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

London Plan – Draft Supplementary Planning Guidance

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

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

Unitary Development Plan 1998 (as saved September 2007)

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

7. REPRESENTATIONS

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

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

8. CONSULTATION RESPONSE

Transport for London (London Underground)

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

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

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

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

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

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

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

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

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

“Therefore LU believes that:

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

wheelchair

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

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

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

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

9. ANALYSIS

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

Policy Framework - Updates

Managing Development DPD

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

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

Land Use

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

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

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

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

Employment

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

Design

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

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

Heritage and Conservation

- 9.10 Core Strategy policy SP10 identifies the range of Heritage Assets that exist in the borough and their contribution to the character, history and heritage of Tower Hamlets. Policy DM27 provides more detailed assessment criteria to ensure that these assets are protected and enhanced by any development proposal that directly impacts on their setting and significance. The application site is located within a heritage asset, namely the Tower Conservation Area and as such criteria 1 and 2 of policy DM27 are directly applicable to the proposal. In light of the analysis of the heritage and conservation impacts of the proposal undertaken within the previous reports to committee (as appended), it is considered that the proposal complies with criteria 1 and 2 of policy DM27.
- 9.11 Policy DM28 has specific regard to World Heritage Sites and provides detail to ensure development proposals enhance them, their settings and views to and from them. The policy requires development proposals to demonstrate that they respect, conserve and preserve the Outstanding Universal Value of the World Heritage Site. Furthermore, the policy expects proposals within the vicinity of the Tower of London to demonstrate how they will improve local access routes, including signage and wayfinding, to the Tower from the development site. Paragraph 28.3 of the draft Managing Development DPD requires proposals to comply with all relevant guidance prepared to manage the impacts of developments in and around World Heritage Sites. These documents are as follows:
- English Heritage: The Setting of Heritage Assets (October 2011)
 - HRP Tower of London World Heritage Site Management Plan (2007)
 - WHS Tower of London World Heritage Site Local Setting Study (2010)
 - LBTH The Tower Conservation Area Appraisal and Management Plan (2008)
- 9.12 As detailed within the appended reports, it is considered that the height, materials, scale, bulk and design of the building is acceptable and is considered to respect, preserve and enhance the Outstanding Universal Value of the Tower of London World Heritage Site together with the character and setting of the Tower Conservation Area and nearby Trinity Square Conservation Area, Crescent Conservation Area, Lloyds Avenue Conservation Area and Fenchurch Street Conservation Area, the adjacent protected London Square, the adjacent Roman Wall Scheduled Ancient Monument and the following listed buildings:
- The Grade II listed nos. 41 and 42 Trinity Square immediately adjacent to the north;
 - Portions of the adjacent Grade I Listed Roman London Wall (also a Scheduled Monument);
 - The Grade II* Listed Port of London Authority building at 10 Trinity Square;
 - The Grade I Listed Trinity House within Trinity Square;
 - The Grade II Listed railings to Trinity House;
 - The Grade I Listed Church of All Hallows;
 - The Grade II* Listed Merchant Seamen's Memorial in Trinity Gardens;
 - The Grade II Mercantile War Memorial in Trinity Gardens; and
 - The Tower of London, which is Grade I Listed, (as well as a World Heritage Site and a Scheduled Monument)

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

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

Transportation and Highways

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

Amenity

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

Energy Efficiency and Sustainability

- 9.17 Policy DM29 requires development to demonstrate a 35% reduction beyond the CO2 emission reduction standards as set out in the Building Regulations 2010. As detailed at paragraph 9.79 of the report to SDC on 15th September 2011 (appendix 1), the proposal achieves an overall 56.7% reduction in CO2 emissions above the 2006 Building Regulations 2006 Part L standards. This equates to approximately 32% above the 2010 standards. Whilst this is marginally below policy DM29's requirement of a 35% reduction, in light of the limited weight of the policy and adopted London Plan (2011) policy 5.3 targeting a 25% reduction, it is considered that the proposal is acceptable. Nevertheless, the applicant has agreed to a condition being attached to require compliance with policy DM29's target of a 35% reduction.

Other Issues

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

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

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

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

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

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

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

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

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

Planning Obligations SPD (January 2012)

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

Saved UDP Policy DEV34

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

Step Free Access Representations

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

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

10. RECOMMENDATION

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

11. CONCLUSION

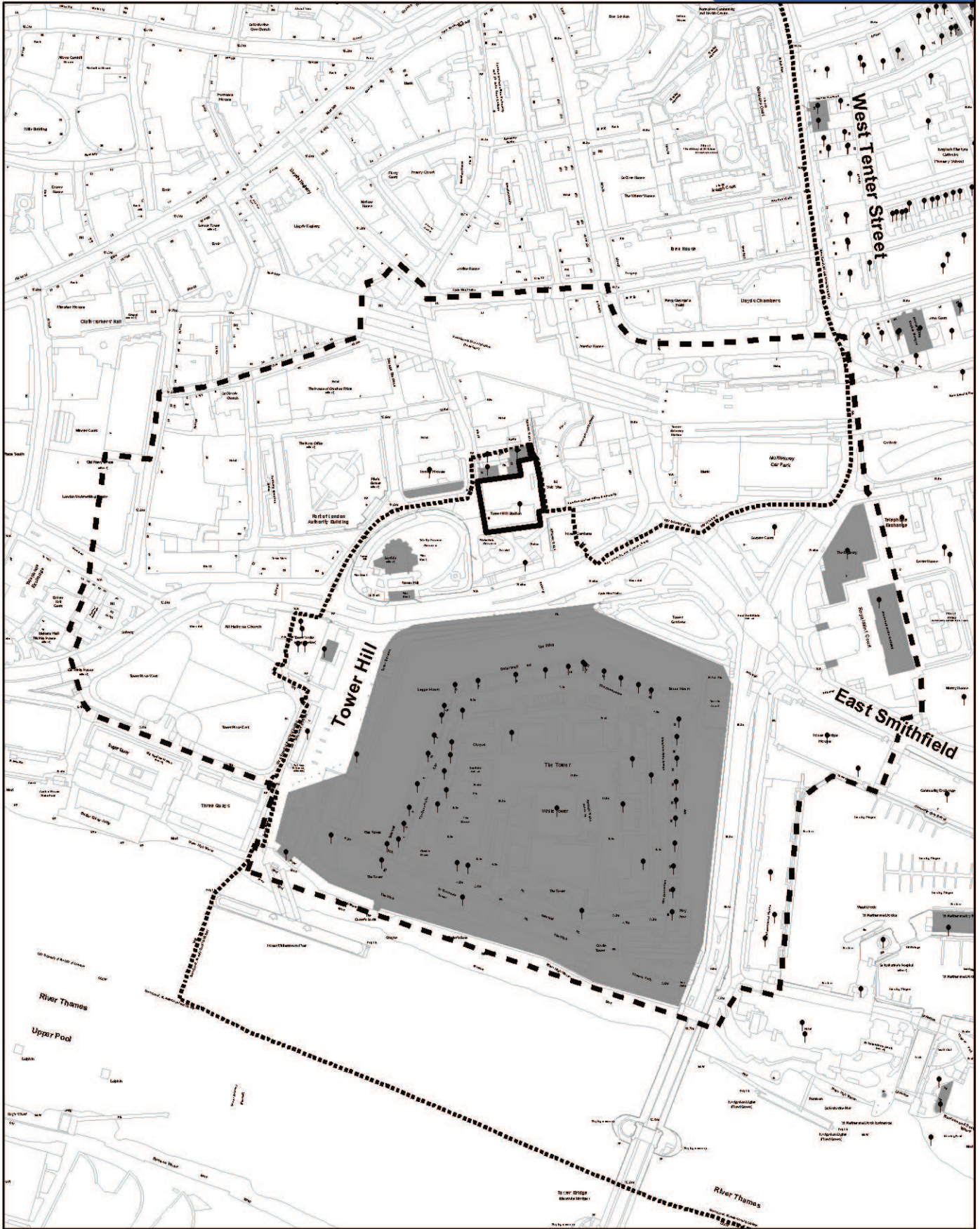
- 11.1 All other relevant policies and considerations have been taken into account. Planning permission should be approved for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS above.

12. APPENDICES

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

This page is intentionally left blank

Planning Application Site Map



Planning Application Site Boundary	Locally Listed Buildings	Land Parcel Address	0 30 m	
Consultation Area	Statutory Listed Buildings	Borough Boundary		

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.

This page is intentionally left blank

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
----------------	------	--

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

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)
-----	-------	--

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:

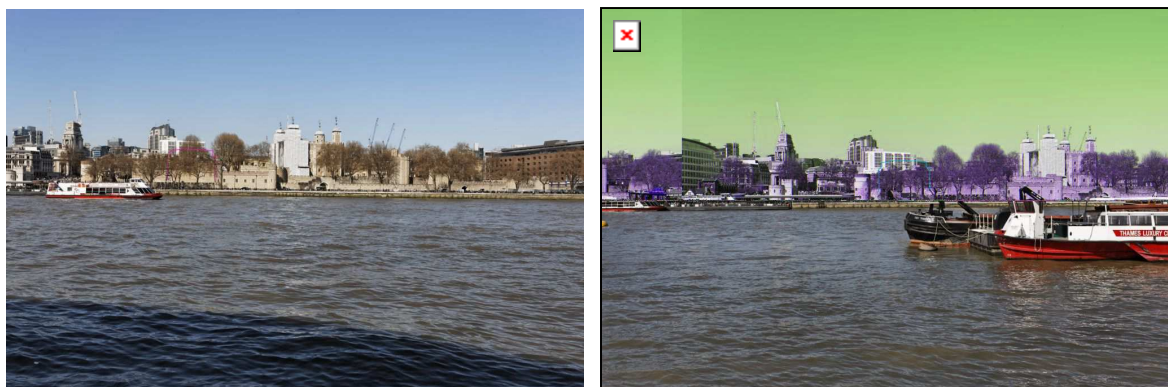
"Overall, the physical interventions appear to be modest and there will be little or no impact on the view north from the Tower wall walk, or views out from the World Heritage Site. The scheme does not conflict with any of the aims or objectives of the recently published Tower of London Local Setting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

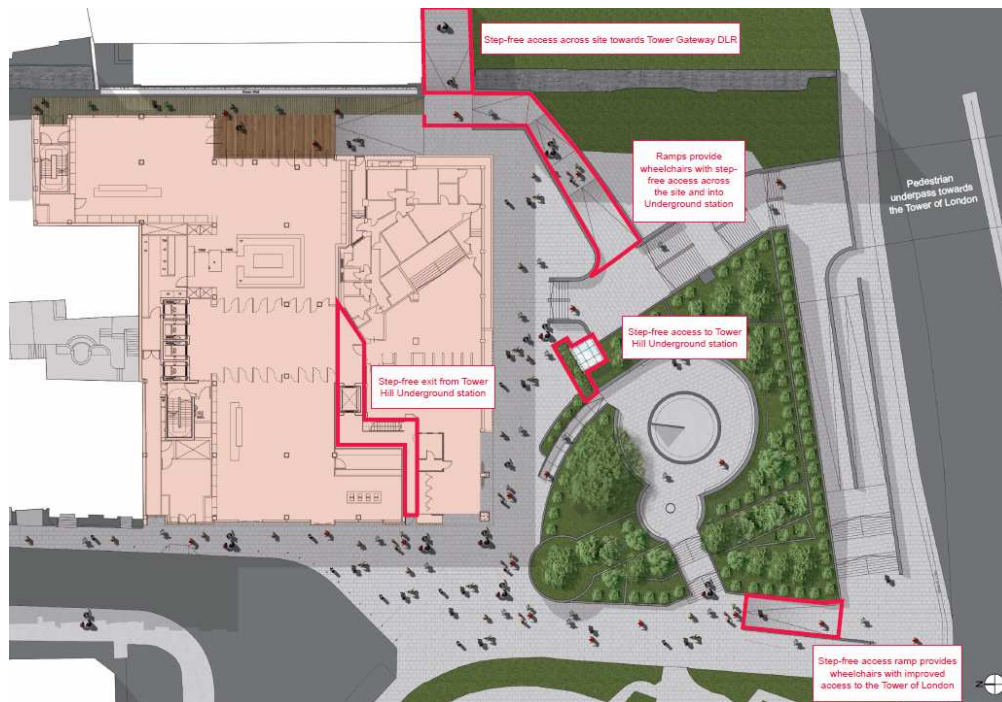


Image 5: The proposed Step Free Access Works

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.

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.

APPENDIX 3

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:	<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_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

- b) 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
- c) 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
- d) 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

- e) Delivery of public realm improvements and step-free access works;
- f) No coach parking or drop-offs / pick-ups from Trinity Square or Coopers Row;
- g) Code of Construction Practice - To mitigate against environmental impacts of construction;
- h) Reasonable endeavours for 20% goods/services to be procured during the construction phase should be achieved by businesses in Tower Hamlets;
- i) 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;
- j) 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;
- k) Access to Employment - To promote employment of local people during and post construction, including an employment and training strategy;
- l) 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.

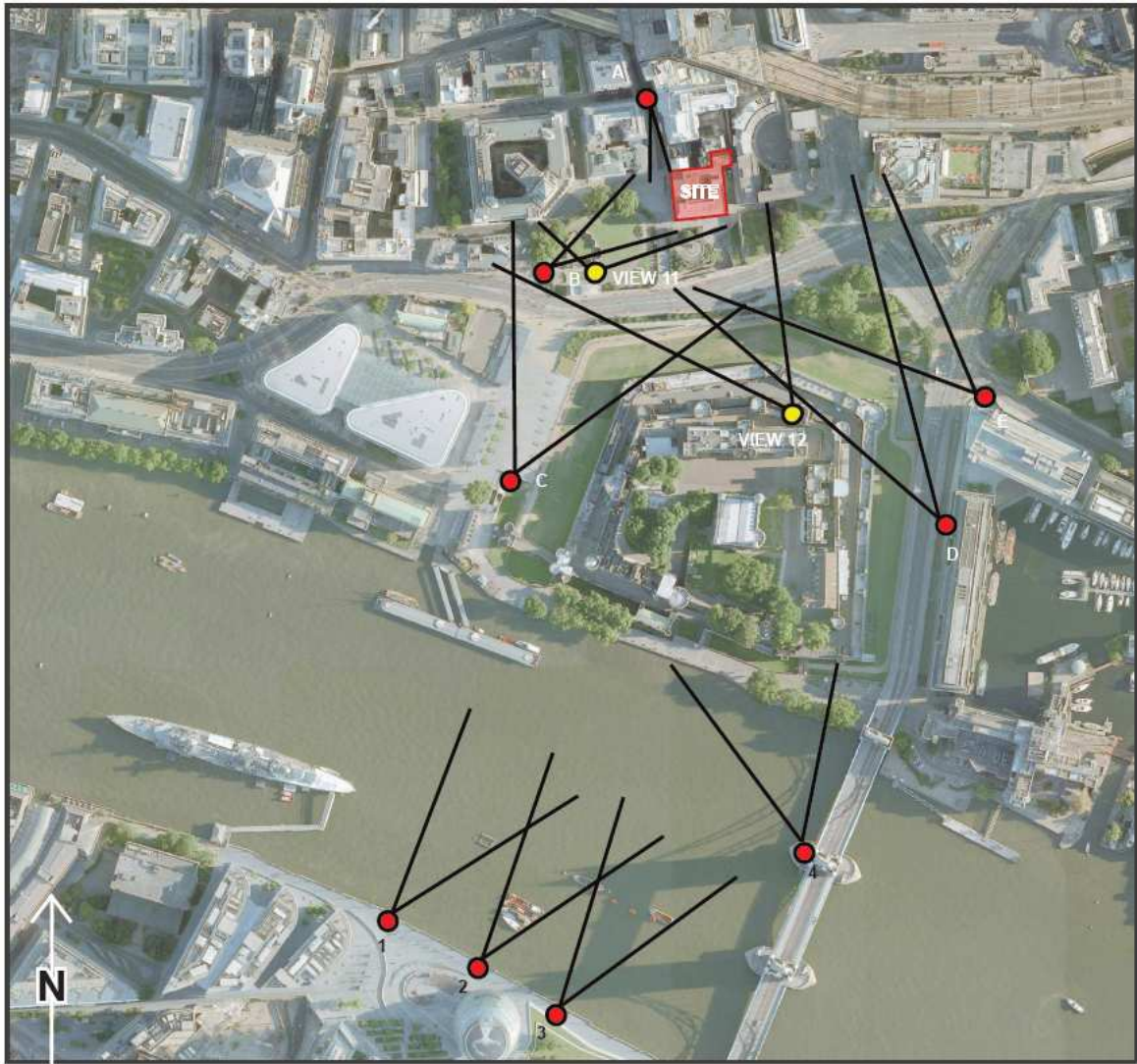


Figure 1: The location of the additional views (views 11 and 12)

- 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

LONDON BOROUGH OF TOWER HAMLETS

STRATEGIC DEVELOPMENT COMMITTEE

27th October 2011 at 7.00pm

UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

Index

Agenda item no	Reference no	Location	Proposal
6.1	PA/11/00163	38-40 Trinity Square, London EC3	Erection of a 9-storey building with basement, comprising a 370-room hotel (Use Class C1) with associated ancillary hotel facilities including cafe (Use Class A3), bar (Use Class A4) and meeting rooms (Use Class B1) with plant and storage at basement and roof level. The application also proposes the formation of a pedestrian walkway alongside the section of Roman Wall to the east of the site; the creation of a lift overrun to facilitate a lift shaft from ticket hall level to platform level within the adjacent London Underground station and associated step free access works; works of hard and soft landscaping; and other works incidental to the application
7.1	PA/11/01278	134-140 Pennington Street & 130, 136 & 154 to 162 The Highway	Redevelopment of the site to provide a 242 room hotel (class C1), 63 serviced apartments (sui generis) and retail (class A1) building with publicly accessible courtyard together with provision of pedestrian access.

Agenda Item number:	6.1
Reference number:	PA/11/00163
Location:	Tower House, 38-40 Trinity Square
Proposal:	Erection of a 9-storey building with basement, comprising a 370-room hotel (Use Class C1) with associated ancillary hotel facilities including cafe (Use Class A3), bar (Use Class A4) and meeting rooms (Use Class B1) with plant and storage at basement and roof level. The application also proposes the formation of a pedestrian walkway alongside the section of Roman Wall to the east of the site; the creation of a lift overrun to facilitate a lift shaft from ticket hall level to platform level within the adjacent London Underground station and associated step free access works; works of hard and soft landscaping; and other works incidental to the application.

1. CALL-IN REQUEST

- 1.1 Members should note that further to the call-in request from the Trinity Square Group reported in the addendum report on 15th September, the Department for Communities and Local Government (DCLG) have received a letter from the City of London's Planning Services and Development Director which suggests the Secretary of State may wish to call the application in. As previously advised, should Members resolve to approve the application, a copy of the main committee report, this update report plus minutes of tonight's meeting will be forwarded to DCLG for their consideration.

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

2. APPLICATION DETAILS

Drawing Numbers

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

3. S106 LEGAL AGREEMENT

Additional Training Contribution (non-financial)

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

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

4. ADDITIONAL CONSULTATION RESPONSE

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

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

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

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

5 ADDITIONAL LOCAL REPRESENTATIONS

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

5.2 General Comment

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

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

5.3 In Objection

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

Cllr Fredericks:

- The letter refers to a meeting of the World Heritage Committee in June 2011 where concerns were raised concerning the setting of the Tower of London World Heritage Site. Such concerns should be taken into account when considering the application (OFFICER COMMENT: As detailed within the previously published committee and addendum report on 15th September, together with the main deferral report, the potential impact on the Outstanding Universal Value of the Tower of London World Heritage Site has been assessed by English Heritage, Historic Royal Palaces as well as LBTH Officers. The height, materials, scale, bulk and design of the building is considered to respect, preserve and enhance the character and setting of the Tower of London World Heritage Site)
- The s106 sum is low in comparison to the hotel proposal on Pennington Street (item 7.1 of tonight's agenda) (OFFICER COMMENT: It would not be appropriate to draw direct comparison between the s106 agreements and both schemes have been considered independently in accordance with the Planning Obligations SPD. The contribution requests will naturally differ dependent on formula variables such as employee predictions and floorspace quantum. For example, whilst the Tower House proposal has more hotel rooms than the Pennington Street scheme, it has a significantly lower floorspace; 11,721sq.m compared to 17,439sq.m. Accordingly, whilst identical land uses on different sites may be broadly considered to require similar mitigation, it very much depends upon the proposals' characteristics and the existing site context. It should also be noted that as reported at paragraph 7.4 of the original committee report, a contribution of £607,752 towards public realm improvements was requested by the Council's Communities, Localities and Culture department. However, given the extensive public realm and step free access works which are proposed within the vicinity of the application site and also the adjacent Tower Hill Underground station entrance (which the applicant details are to be delivered at a cost of £575,000 for the landscaping works and step free access works, whilst the creation of the lift accesses is valued at approximately £1.99m) which in this particular case satisfies the requirement to provide an enhanced public realm and improves accessibility in the area)
- The new computer generated images of the proposal, as presented in the main deferral report, are not accurate and furthermore, demonstrate how the proposal would dominate Trinity House (OFFICER COMMENT: The additional views are verified and therefore are considered to be an accurate representation. The impact of the scheme upon nearby listed buildings is considered within the previously published committee, addendum and deferral reports)
- LBTH officers have failed to take into consideration the draft Crescent Conservation Area Character Summary & Management Strategy SPD published on October 10th 2011 (OFFICER COMMENT: Officers have reviewed the document produced by the City of London Corporation in respect of a Conservation Area within its administrative boundary and do not consider that the proposal would have an adverse impact upon the character of the Crescent Conservation Area. It is acknowledged that the proposal site abuts the boundary of the conservation area and it is noted that the draft SPD lists a number of important views and vistas at page 10. The applicant has included images of the proposal when viewed from the Crescent within the submitted Townscape, Visual Impact and Built Heritage report and it is considered that this demonstrates the proposal would not adversely impact any of these views or vistas)

Mr Bill Ellson:

- The writer refers to a meeting of the World Heritage Committee held between the 19th and 29th of June 2011, which considered information on the state of the Tower of London World Heritage Site. At the meeting, the UNESCO committee did not add the Tower to the List of World Heritage in Danger and added several comments regarding the need to monitor the conservation of the Tower of London's setting and protection of its Outstanding Universal Value (OFFICER COMMENT: the potential impact on the Outstanding Universal Value of the Tower of London World Heritage Site has been assessed by English Heritage, Historic Royal Palaces as well as LBTH Officers. The height, materials, scale, bulk and design of the building is considered to respect, preserve and enhance the character and setting of the Tower of London World Heritage Site)
- The writer also expressed the depth and breadth of concern regarding a recent licensing application made for a temporary structure within Trinity Square Gardens that gave rise to widespread concern, particularly with regard to the listed Merchant Seaman and Mercantile Memorials contained within Trinity Square Gardens (OFFICER COMMENT: It is not considered that this is material to the determination of this planning application)
- The writer also provided a weblink to an address by the Earl of Kinnoull to the House of Lords in 1983, concerning proposals at Tower Hill Underground Station (OFFICER COMMENT: This is not considered to be relevant to the matter in hand)

5.4 Procedural Issues

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

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

6. **RECOMMENDATION**

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

6.2 **Summary of Material Planning Considerations**

- A hotel-led scheme will contribute to the strategic target for new hotel accommodation. It will complement the Central Activity Zone's role as a premier visitor destination and in this respect, will support London's world city status. The scheme therefore accords with policy 4.5 of the London Plan (2011), saved policies EMP3 and CAZ1 of the Council's Unitary Development Plan (1998), policies SP06 and SP12 of the Core Strategy Local Development Framework (2010) and policies EE2 and CFR15 of the Council's Interim

Planning Guidance (October 2007) which seek to promote tourism and hotel developments within the Central Activity Zone

- The ancillary cafe (Use Class A3), bar (Use Class A4) and meeting rooms (Use Class B1) are acceptable as they will provide for the needs of the development and demand from surrounding uses, and also present employment in a suitable location. As such, it is in line with saved policy DEV3 of the Council's Unitary Development Plan (1998), policy SP06 of the Core Strategy Local Development Framework (2010) and policies DEV1 and CFR1 of the Council's Interim Planning Guidance (October 2007) which seek to support mixed use developments and local job creation
- The height, materials, scale, bulk and design of the building is acceptable and is considered to respect, preserve and enhance the character and setting of the Tower of London World Heritage Site, the Tower Conservation Area and surrounding conservation areas, the adjacent Listed Buildings and the adjacent Scheduled Ancient Monument. As such, the proposal is in accordance with Planning Policy Statement 5 (2010), policies 7.3, 7.8, 7.9 and 7.10 of the London Plan (2011) as well as saved policy DEV1 of the LBTH UDP (1998), policies DEV2, CON1, CON2 and CFR18 of the Interim Planning Guidance (2007) and policies SP10 and SP12 of the Core Strategy Development Plan Document (2010) which seek to protect the character, appearance and setting of heritage assets. The proposal is also in accordance with the aims and objectives of Tower of London World Heritage Site Management Plan (Historic Royal Palaces, 2007)
- The proposal does not detrimentally impact upon protected views as detailed within the London Plan London Views Management Framework Revised Supplementary Planning Guidance (July 2010) and maintains local or long distance views in accordance policies 7.11 and 7.12 of the London Plan (2011) and policy SP10 of the Core Strategy Development Plan Document (2010) which seek to ensure large scale buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.
- The development and associated public realm are considered to be inclusive and also improves the permeability of the immediate area. As such, it complies with policies 7.2, 7.4 and 7.5 of the London Plan (2011), saved policy DEV1 of the Council's Unitary Development Plan (1998), policy SP09 of the Core Strategy (2010) and policies DEV3, DEV4, CFR1, CFR2 and CFR18 of the Council's Interim Planning Guidance (October 2007) which seek to maximise safety and security for those using the development and ensure public open spaces incorporate inclusive design principles. The scheme is also in accordance with the aims of the Tower of London World Heritage Site Management Plan (2007) which seeks to improve public realm and linkages to the Tower of London
- It is not considered that the proposal would give rise to any undue impacts in terms of privacy, overlooking, sunlight and daylight, and noise upon the surrounding residents or occupiers. As such, the proposal is considered to satisfy the relevant criteria of saved policy DEV2 of the Council's Unitary Development Plan (1998), policy SP10 of the Core Strategy Local Development Framework (2010) and policy DEV1 of the Council's Interim Planning Guidance (October 2007), which seek to protect residential amenity
- Transport matters, including parking, access and servicing, are acceptable and in line with London Plan policies 6.4, 6.7, 6.9, 6.10, 6.11, 6.12 and 6.13 of

the London Plan (2011), saved policies T16 and T19 of the Council's Unitary Development Plan (1998), policy SP09 of the Core Strategy Local Development Framework (2010) and policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007), which seek to ensure developments minimise parking and promote sustainable transport options

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

6.3 The recommendation remains unchanged. Accordingly, the Committee are recommended to resolve to GRANT planning permission subject to:

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

Financial Contributions

- m) 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
- n) 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
- o) 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

- p) Delivery of public realm improvements and step-free access works;
- q) No coach parking or drop-offs / pick-ups from Trinity Square or Coopers Row;
- r) Code of Construction Practice - To mitigate against environmental impacts of construction;
- s) Reasonable endeavours for 20% goods/services to be procured during the construction phase should be achieved by businesses in Tower Hamlets;

- t) 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;
- u) The equivalent of 40% of the workforce or 118 people (assuming the employment density conforms with the HCA's employment density formula) residing in Tower Hamlets are given HLTT (Hospitality, Leisure, Travel & Tourism) sector related training or a financial contribution of £35,400 for the delivery of this training;
- v) Access to Employment - To promote employment of local people during and post construction, including an employment and training strategy;
- w) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

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

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

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

6.6 **Conditions**

- 39) Permission valid for 3 years;
- 40) Submission of details and samples of all materials;
- 41) Submission of details of lift overrun;
- 42) Submission of details of art wall;
- 43) Submission of hard and soft landscaping details;
- 44) Contamination;
- 45) Construction Management and Logistics Plan;
- 46) Construction Environmental Management Plan;
- 47) Foul and surface water drainage;
- 48) Monitoring and protection of ground water;
- 49) Archaeology;
- 50) Air quality assessment;
- 51) Evacuation plan;
- 52) Scheme of necessary highways improvements to be agreed (s278 agreement);
- 53) Piling and foundations;
- 54) Landscape management;
- 55) Ventilation and extraction;
- 56) Refuse and recycling;
- 57) Travel Plan;
- 58) Coach, Delivery and Service Management Plan;
- 59) 5% Accessible hotel rooms and 5% future proofed;
- 60) Access management plan;
- 61) Pedestrian audit;
- 62) BREEAM;
- 63) Means of access and egress for people with disabilities;
- 64) Hours of building works;
- 65) Hours of opening of terrace;
- 66) Hammer driven piling;
- 67) Noise levels and insulation;
- 68) Vibration;
- 69) Compliance with the submitted Energy Strategy;

- 70) Integration of Combined Heat and Power;
- 71) Hotel Use Only;
- 72) Submission of secure by design and counter-terrorism statement;
- 73) Period of hotel suite occupation no longer than 90 consecutive days;
- 74) Approved plans; and
- 75) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

6.7 **Informatives**

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

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

APPENDIX 5

Committee: Strategic Development	Date: 28 th November 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:	<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, 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. BACKGROUND

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

3. 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
4. The applicant to prepare more detailed visual images of the proposed development

2.2 Further to the deferral, the application was heard at the following Strategic Development Committee meeting on 27th October 2011. At the meeting, on a vote of nil for and 1 against, and with 4 abstentions, the Committee resolved that the Officer recommendation to grant planning permission at Tower House, 38-40 Trinity Square, London, EC3N 4DJ (PA/11/00163) be not accepted. The voting Member indicated that he was minded to refuse the planning application because of concerns raised in connection with:

- Inappropriate and excessive height, scale, bulk and elevations of the proposed development.
- Inappropriate design of the proposed development resulting in detrimental effects on neighbouring Conservation Areas, listed buildings and local views.
- Inadequate servicing provisions for the proposed development which were considered likely to result in unacceptable pedestrian/vehicular conflicts.

2.3 However, there was no subsequent formal motion made (as per the requirements of the Constitution) to refuse the application on these grounds, and therefore the application was not refused (indeed no decision notice has been issued to that effect) and has been treated as a deferred matter. This is in accordance with Rule 9 of the Development Procedure Rules, as contained within the Council's Constitution (November 2010). Rule 9 has regard to decisions made by a committee which are contrary to Officer recommendations. Paragraph 9.2 states:

"Where a vote on the officer recommendation is lost, it is necessary for a new motion to either grant or refuse the application to be proposed. The committee should receive advice from officers as to the appropriate form that the new motion should take"

2.4 Accordingly, the application itself remains live and is before the Committee tonight as a deferred item for Member's consideration.

3. UPDATES

3.1 Further to the deferral of the application, the following matters have arisen:

Environmental Impact Assessment - Screening Direction

3.2 On 10th November 2011, the Department of Communities and Local Government (DCLG) contacted the Council to advise that the Trinity Square Group had requested the Secretary of State to issue a screening direction upon the proposed development. This request is on the grounds that Trinity Square Group believe that the application should be subject to Environmental Impact Assessment by virtue of its sensitive location.

Officers do not consider that the development meets the criteria set out in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Whilst it is acknowledged that the application site is located within a sensitive location, as detailed within the previously published reports to committee and as supported by English Heritage and Historic Royal Palaces, it is not considered that the proposal has a significant impact upon the setting.

Additional Consultation Response – Historic Royal Palaces

- 3.3 Historic Royal Palaces have provided additional comment since the previous Committee meeting. HRP state:

“As you know Historic Royal Palaces has made formal representations regarding this scheme and has become saddened by the delays which have occurred .The project area has become something of a blight for the last few years and of course this impacts on the Tower of London World Heritage site (a status which can be removed by UNESCO). The scheme before you is the result of substantial dialogue between HRP (and English Heritage) and the developer and is one we support. It brings benefits to the area not found in the previously consented office scheme and importantly remains within the building envelope of that earlier permission. Could you bring this letter of support to the Committee's attention when it next meets and stress how important to this iconic attraction (and Tower Bridge) is the provision of step free access being provided as part of the project”

4. ADDITIONAL REPRESENTATION

- 4.1 A further letter of support for the scheme has been received. The writer states that

“I support the planning proposals for 38-40 Trinity Square as I am keen to see such a key Tube station (Tower Hill) with its links with other transport providers services and places of interest made step-free.

I hope the Development Committee will [see] the benefits this plan will have for those with mobility issues”

5. S106 LEGAL AGREEMENT

Employment & Enterprise Contributions

- 5.1 As detailed at paragraph 3.1 of the addendum report presented to the Committee at the previous meeting on 27th October (which can be found at **Appendix 4** of this report), the applicant previously confirmed that they would like to increase their obligation to ensure end-use employment is directed to Tower Hamlets residents from 20% to 40%. The applicant has since revised this offer to 50% and increased in-lieu financial payments accordingly.
- 5.2 In order to better demonstrate how the Employment and Enterprise contributions and obligations would be delivered, these have been set out and explained below by comparing the contributions and obligations as requested by the Council's Employment and Enterprise Team with the applicant's additional offer. As detailed within the previously published reports to committee, the Council's Employment and Enterprise Team consider that the following requests are necessary:
- 5.3
- 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

- End-User Phase
 - A contribution of £42,517 towards the training and development of residents in Tower Hamlets to access either jobs within the hotel development end-use phase or jobs or training within employment sectors in the final development

5.4 In addition to the above obligations, the Council's Employment & Enterprise Team have requested the following additional training obligation, which the applicant has agreed to:

- 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. This course has been accepted by large contractors as a qualified standard for new industry entrants in the Hospitality, Leisure, Travel and Tourism sector. 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

This provides a total financial contribution towards employment and enterprise of up to £108,450, with the total sum payable dependent on whether the applicant chooses to provide construction jobs and the Employment First Training Programme to Tower Hamlets residents themselves, or offer the in-lieu monetary contributions of £30,533 and £35,400, as detailed above.

5.5 It is considered that the abovementioned contributions meet the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the five key tests contained within Circular 05/2005.

Additional Employment & Enterprise Contribution Offer

5.6 As detailed above, the applicant has recently offered to the Council additional end-user phase employment and training based obligations, above and beyond those sought which they consider appropriate in light of the fact that their workforce requirements will be below the HCA model. Instead of the two separate training obligations set out in paragraphs 5.3 and 5.4, in addition to the requested contribution towards the provision of the Employment First Training Programme (or a monetary contribution of £35,400), the applicant has offered to increase the end-user phase training provision to 50% of their expected final workforce and to employ a percentage of local residents in the final phase, as follows:

- 5.7
- An increased contribution of £121,500 to Skillsmatch for the training and development of 50% of the expected final workforce (45 people x £2,700 per person) to Tower Hamlets residents to access jobs within the hotel development end-use phase or jobs or training within employment sectors in the final development
 - Reasonable endeavours to ensure that 20% of the final end-use workforce (18 people) to be Tower Hamlets residents and to be provided with full-time employment within the hotel for a minimum period of 12-months following completion of the training (OFFICER COMMENT: The employment of these individuals would be monitored by Skillsmatch at regular intervals)

5.8 Members are advised that the additional contributions and obligations proposed by the applicant are not necessary to make the proposal acceptable in planning terms and as such,

while it is considered in the public interest to accept any increase in offer outside the consideration of this application, this should not be considered to constitute a reason for granting planning permission, as those previously sought (detailed at paragraphs 4.3 and 4.4 above) are considered to meet the requirements of the CIL Regulations 2010 and those contained within Circular 05/2005. It is noted that Tower Hamlets has an above average unemployment level within Greater London, with only 15% of Tower Hamlets' residents finding employment within the Borough (source: Planning Obligations SPD Engagement Document 2011).

6.0 SERVICING ISSUES

- 6.1 It is noted that at the previous meeting, issues were raised regarding the proposed servicing and delivery arrangements for the hotel and the impact upon pedestrian movement and highway safety.
- 6.2 To reiterate, the applicant's submitted pedestrian surveys demonstrate the peak movement periods within this area of Trinity Square to be between 0700-1000 hours and 1600-1900 hours. The applicant has identified that the proposal would require six service vehicle movements per day (in line with the servicing demand of the other hotels they operate), each of which would be restricted to a maximum kerbside dwell time of 20 minutes through on-street double yellow line restrictions. The size of the vehicle used to service the site is also to be restricted so as to prevent long-wheelbase vehicles visiting the site. LBTH Highways and Transport for London consider that sufficient justification has been made and the applicant has adequately demonstrated that the on-street servicing strategy 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.
- 6.3 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 development plan policies.

7.0 RECOMMENDATION

- 7.1 The recommendation by officers remains unchanged. Accordingly, the Committee are recommended to resolve to GRANT planning permission as previously detailed within the published report and addendum report at the Strategic Development Committee meeting held on 27th October 2011. The suggested reasons for approval, details of the legal agreement (amended to take into account the applicant's increased Employment & Enterprise contribution) and suggested conditions are reproduced below for ease of reference:

7.2 Summary of Material Planning Considerations

- A hotel-led scheme will contribute to the strategic target for new hotel accommodation. It will complement the Central Activity Zone's role as a premier visitor destination and in this respect, will support London's world city status. The scheme therefore accords with policy 4.5 of the London Plan (2011), saved policies EMP3 and CAZ1 of the Council's Unitary Development Plan (1998), policies SP06 and SP12 of the Core Strategy Local Development Framework (2010) and policies EE2 and CFR15 of the Council's Interim Planning Guidance

(October 2007) which seek to promote tourism and hotel developments within the Central Activity Zone

- The ancillary cafe (Use Class A3), bar (Use Class A4) and meeting rooms (Use Class B1) are acceptable as they will provide for the needs of the development and demand from surrounding uses, and also present employment in a suitable location. As such, it is in line with saved policy DEV3 of the Council's Unitary Development Plan (1998), policy SP06 of the Core Strategy Local Development Framework (2010) and policies DEV1 and CFR1 of the Council's Interim Planning Guidance (October 2007) which seek to support mixed use developments and local job creation
- The height, materials, scale, bulk and design of the building is acceptable and is considered to respect, preserve and enhance the character and setting of the Tower of London World Heritage Site, the Tower Conservation Area and surrounding conservation areas, the adjacent Listed Buildings and the adjacent Scheduled Ancient Monument. As such, the proposal is in accordance with Planning Policy Statement 5 (2010), policies 7.3, 7.8, 7.9 and 7.10 of the London Plan (2011) as well as saved policy DEV1 of the LBTH UDP (1998), policies DEV2, CON1, CON2 and CFR18 of the Interim Planning Guidance (2007) and policies SP10 and SP12 of the Core Strategy Development Plan Document (2010) which seek to protect the character, appearance and setting of heritage assets. The proposal is also in accordance with the aims and objectives of Tower of London World Heritage Site Management Plan (Historic Royal Palaces, 2007)
- The proposal does not detrimentally impact upon protected views as detailed within the London Plan London Views Management Framework Revised Supplementary Planning Guidance (July 2010) and maintains local or long distance views in accordance policies 7.11 and 7.12 of the London Plan (2011) and policy SP10 of the Core Strategy Development Plan Document (2010) which seek to ensure large scale buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.
- The development and associated public realm are considered to be inclusive and also improves the permeability of the immediate area. As such, it complies with policies 7.2, 7.4 and 7.5 of the London Plan (2011), saved policy DEV1 of the Council's Unitary Development Plan (1998), policy SP09 of the Core Strategy (2010) and policies DEV3, DEV4, CFR1, CFR2 and CFR18 of the Council's Interim Planning Guidance (October 2007) which seek to maximise safety and security for those using the development and ensure public open spaces incorporate inclusive design principles. The scheme is also in accordance with the aims of the Tower of London World Heritage Site Management Plan (2007) which seeks to improve public realm and linkages to the Tower of London
- It is not considered that the proposal would give rise to any undue impacts in terms of privacy, overlooking, sunlight and daylight, and noise upon the surrounding residents or occupiers. As such, the proposal is considered to satisfy the relevant criteria of saved policy DEV2 of the Council's Unitary Development Plan (1998), policy SP10 of the Core Strategy Local Development Framework (2010) and policy DEV1 of the Council's Interim Planning Guidance (October 2007), which seek to protect residential amenity
- Transport matters, including parking, access and servicing, are acceptable and in line with London Plan policies 6.4, 6.7, 6.9, 6.10, 6.11, 6.12 and 6.13 of the London Plan (2011), saved policies T16 and T19 of the Council's Unitary Development Plan (1998), policy SP09 of the Core Strategy Local Development

Framework (2010) and policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007), which seek to ensure developments minimise parking and promote sustainable transport options

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

7.3 The recommendation to Committee is 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 **£187,433** (see contributions H, I & J below) towards the training and development of 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) 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) Of the final development workforce, the applicant is to use reasonable endeavours to ensure that the equivalent of 20% are to be Tower Hamlets residents and are to be provided with full-time employment within the hotel for a minimum period of 12 months upon completion of the training provided by the developer's financial contribution b), detailed above
 - k) Access to Employment - To promote employment of local people during and post construction, including an employment and training strategy;
 - l) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

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

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

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

7.4 **Conditions**

- 76) Permission valid for 3 years;
- 77) Submission of details and samples of all materials;
- 78) Submission of details of lift overrun;
- 79) Submission of details of art wall;
- 80) Submission of hard and soft landscaping details;
- 81) Contamination;
- 82) Construction Management and Logistics Plan;
- 83) Construction Environmental Management Plan;
- 84) Foul and surface water drainage;
- 85) Monitoring and protection of ground water;
- 86) Archaeology;
- 87) Air quality assessment;
- 88) Evacuation plan;
- 89) Scheme of necessary highways improvements to be agreed (s278 agreement);
- 90) Piling and foundations;
- 91) Landscape management;
- 92) Ventilation and extraction;
- 93) Refuse and recycling;
- 94) Travel Plan;
- 95) Coach, Delivery and Service Management Plan;
- 96) 5% Accessible hotel rooms and 5% future proofed;
- 97) Access management plan;
- 98) Pedestrian audit;
- 99) BREEAM;
- 100) Means of access and egress for people with disabilities;
- 101) Hours of building works;
- 102) Hours of opening of terrace;
- 103) Hammer driven piling;
- 104) Noise levels and insulation;
- 105) Vibration;
- 106) Compliance with the submitted Energy Strategy;
- 107) Integration of Combined Heat and Power;
- 108) Hotel Use Only;
- 109) Submission of secure by design and counter-terrorism statement;
- 110) Period of hotel suite occupation no longer than 90 consecutive days;
- 111) Approved plans; and

112) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

7.5 Informatives

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

7.6 That, if by 28th February 2012, the legal agreement has not been completed; the Corporate Director of Development & Renewal is delegated power to refuse planning permission.

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 above.

9.0 REASONS FOR REFUSAL

9.1 Notwithstanding the above, should Members, having considered the report, resolve to refuse planning permission, the following reasons for refusal are suggested, based on the views expressed during the Strategic Development Committee meeting held on 27th October 2011:

1. The proposal, in terms of its height, scale, bulk, design and elevational treatment represents an inappropriate form of development and fails to preserve or enhance the character, appearance and setting of the Tower of London World Heritage Site, the Tower Conservation Area and surrounding conservation areas, adjacent listed buildings and the adjacent Scheduled Ancient Monument. As such, the proposal fails to accord with Planning Policy Statement 5 (2010), policies 7.6, 7.7, 7.8, 7.9 and 7.10 of the London Plan (2011), policies SP10 and SP12 of the Core Strategy Development Plan Document (2010), saved policy DEV1 of the Unitary Development Plan (1998), policies DEV2, CON1, CON2 and CFR18 of the Interim Planning Guidance (2007), which seek to protect the character, appearance and setting of heritage assets. The proposal also fails to accord with the aims and objectives of Tower of London World Heritage Site Management Plan (Historic Royal Palaces, 2007)
2. The proposal will have a detrimental impact upon protected views as detailed within the London Plan London Views Management Framework Revised Supplementary Planning Guidance (July 2010) and would fail to maintain 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 design standard, whilst also seeking to protect and

enhance regional and locally important views

3. The proposal will provide inadequate arrangements for site servicing and coach drop off which will result in unacceptable vehicular and pedestrian conflict within the immediate locality to the detriment of highway safety, contrary to policy 6.7 of the London Plan (2011), policy SP09 of the Core Strategy Local Development Framework (2010), saved policies T16 and T19 of the Council's Unitary Development Plan (1998) and policy DEV17 of the Council's Interim Planning Guidance (October 2007)

Implications of a refusal of planning permission

9.2 Following the refusal of the application the following options are open to the Applicant. These would include (though not be limited to):

1. The applicant could appeal the decision and submit an award of costs application against the Council. Planning Inspectorate guidance on appeals sets out in paragraph B20 that:

“Planning authorities are not bound to accept the recommendations of their officers. However, if officers’ professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the Council”.

2. There are two financial implications arising from appeals against the Council's decisions. Firstly, whilst parties to a planning appeal are normally expected to bear their own costs, the Planning Inspectorate may award costs against either party on grounds of “unreasonable behaviour”. Secondly, the Inspector will be entitled to consider whether proposed planning obligations meet the tests set out in the Secretary of State's Circular 05/2005 and are necessary to enable the development to proceed.
3. The Council would vigorously defend any appeal.

10.0 APPENDICIES

- 10.1 Appendix 1 - Committee Report to Members on 15^h September 2011
- 10.2 Appendix 2 - Addendum Report to Members on 15th September 2011
- 10.3 Appendix 3 - Deferral Report to Members on 27th October 2011
- 10.4 Appendix 4 - Addendum Report to Members on 27th October 2011

LONDON BOROUGH OF TOWER HAMLETS

STRATEGIC DEVELOPMENT COMMITTEE

28th November 2011 at 7.00pm

UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

Index

Agenda item no	Reference no	Location	Proposal
6.1	PA/11/00163	38-40 Trinity Square, London EC3	Erection of a 9-storey building with basement, comprising a 370-room hotel (Use Class C1) with associated ancillary hotel facilities including cafe (Use Class A3), bar (Use Class A4) and meeting rooms (Use Class B1) with plant and storage at basement and roof level. The application also proposes the formation of a pedestrian walkway alongside the section of Roman Wall to the east of the site; the creation of a lift overrun to facilitate a lift shaft from ticket hall level to platform level within the adjacent London Underground station and associated step free access works; works of hard and soft landscaping; and other works incidental to the application

Agenda Item number:	6.1
Reference number:	PA/11/00163
Location:	Tower House, 38-40 Trinity Square
Proposal:	Erection of a 9-storey building with basement, comprising a 370-room hotel (Use Class C1) with associated ancillary hotel facilities including cafe (Use Class A3), bar (Use Class A4) and meeting rooms (Use Class B1) with plant and storage at basement and roof level. The application also proposes the formation of a pedestrian walkway alongside the section of Roman Wall to the east of the site; the creation of a lift overrun to facilitate a lift shaft from ticket hall level to platform level within the adjacent London Underground station and associated step free access works; works of hard and soft landscaping; and other works incidental to the application.

1. ADDITIONAL CONSULTATION RESPONSE

- 1.1 The Accessibility and Inclusion Manager from London Underground has provided an additional consultation response following the publication of the deferral report before Members tonight. It states:

“Physical access to stations is one of the most significant barriers to using the Tube system for older and disabled people and other users, and LU is committed to fulfilling our duty to make more stations step-free.

This scheme provides a huge opportunity to provide step-free access to the Tube for borough residents and also the millions of visitors to this station every year. In the current economic climate, LU needs to make full use of 3rd party development opportunities; without these it would be not possible to finance some of these important step-free schemes, including Tower Hill.

As you are aware, this planning application has strong support from all other major stakeholders, who recognise the importance of the transport improvements this planning application will provide. In addition, providing step-free access at Tower Hill will transform the area into an accessible hub, linking the already accessible services of Tower Gateway DLR, national rail services at Fenchurch Street, river boat services at Tower Millennium Pier and the fully accessible bus routes which serve the area.

In addition London Underground is currently building a new fleet of ‘S-stock’ trains which will rolled out on the Circle, Hammersmith & City and District lines from 2012-2015. These new trains fully comply with the UK Government ‘Rail Vehicle Accessibility Regulations’ which set out the standard for accessible rail vehicle design. They feature dedicated wheelchair spaces, a low-floor design for level access between the train and platform, and multipurpose spaces with ‘flip up’ seats throughout. They also have advanced audible and visual information, air conditioning, CCTV and priority seating. Without further step-free access at important stations such as Tower Hill, the benefits to disabled people and other customers of these trains cannot be fully realised.

It is important to note that funding for a step-free access scheme at Tower Hill Tube station, such as the one proposed by citizenM, 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”

2. ADDITIONAL REPRESENTATIONS

2.1 Four additional letters of representation have been received with regard to the application, with three writing in favour and one in objection.

2.2 Those writing in favour include the Transport for All organisation and the Dockland Light Railway. Transport for all state the following in support of the application:

- There is a growing population of disabled people within the Borough and the public transport network should reflect this;
- The opportunity to provide step-free access at Tower Hill station is too good to miss;
- The step-free access would benefit the elderly, parents with small children as well as those with reduced mobility;
- A step-free Tower Hill would support local businesses; and
- Step-free access would allow many more people to enjoy the capital's cultural and civic life as well as access jobs and leisure opportunities

2.3 The Docklands Light Railway state the following in support of the proposal:

- The provision of step-free access to the platforms at Tower Hill station is important to Tower Hamlets residents;
- Currently, passengers in need of step-free access to DLR board at either Bank or Tower Gateway stations, however there is no step-free interchange from any other lines meaning that both stations provide few journey opportunities to those who rely on the step-free service;
- The residents of Tower Hamlets suffer greatest from this lack of access as those who reside in boroughs further to the east may use the Jubilee Line to access central London; and
- Those residents living in communities between Shadwell, Limehouse and Westferry have to make journeys to Canary Wharf or alight the DLR at Tower Gateway/Bank to find other means of reaching their destination

2.4 Besso Insurance Group, who occupy the Crescent to the north-east of the site, have provided a further letter of objection to the scheme. Their reasons are as follows:

- The height of the proposed building is excessive and should be reduced in order to restore the previous building's height;
- The style of the building is modern and out of context with Trinity House and the family of buildings found in Trinity Square which form an important part of the recreational space in Trinity Square, which also accommodates the war memorial and forms the setting of the Tower of London; and
- The vicinity is already well served with hotels, including the Grange, Novotel, Mint Hotel and recently permitted hotel at 10 Trinity Square

3. S106 LEGAL AGREEMENT - CLARIFICATION

3.1 Further to the publication of the deferral report before Members tonight, it is considered necessary to clarify the applicant's increased offer with regard to employment and enterprise contributions.

3.2 The s106 package previously presented to Members at the Strategic Development Committee meetings is considered to meet the requirements of Regulation 122 of the Community Infrastructure Regulations (2010) and the five key tests contained within Circular 05/2005. The additional employment and enterprise contributions volunteered by the applicant for inclusion in an eventual s106 agreement, should not be

considered by Members as a reason for granting planning permission in their decision.

3.3 Accordingly, an error has been made at paragraph 7.3 of the recent deferral report. It should read:

A. That it is recommended that the Committee GRANT planning permission subject to the previously proposed s106 package, as follows:

Financial Contributions

- x) 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

- y) 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

- z) 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

- aa) Delivery of public realm improvements and step-free access works;
- bb) No coach parking or drop-offs / pick-ups from Trinity Square or Coopers Row;
- cc) Code of Construction Practice - To mitigate against environmental impacts of construction;
- dd) Reasonable endeavours for 20% goods/services to be procured during the construction phase should be achieved by businesses in Tower Hamlets;
- ee) 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;
- ff) 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;
- gg) Access to Employment - To promote employment of local people during and post construction, including an employment and training strategy;
- hh) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

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

B. That the Committee agree to accept the additional contributions and obligations as detailed in paragraphs 5.6 to 5.8 of the deferred report, to be secured as part of the s106 Agreement, noting Officer's views detailed in paragraph 5.8 of the deferred report.



3rd February 2012

Mr Simon Ryan
Planning Case Officer
London Borough of Tower Hamlets
Development and Renewal
Mulberry Place (AH) Anchorage House
PO Box 55739 – 5 Clove Crescent
London
E14 2BG

London Underground
Strategy & Service Development
55 Broadway
London SW1H 0BD
Phone
Fax 020 7918 0591
Email

Dear Mr Ryan,

Response to Bill Ellson letter dated 11th December re: Tower House, 38-40 Trinity Square, London EC3N 4DJ Ref No: PA/11/00163

Tower Hill is a busy station, ranked 22nd in terms of entries and exits (nearly 22 mpa (million persons per annum)). The station has a high tourist market segment (9% compared to 3% network average) and so has an important profile in attracting overseas visitors to London. The tourist market segment is on a par with Piccadilly Circus (also 9%) and higher than Embankment at 6%. Therefore a variety of users will benefit from the station becoming accessible including passengers with luggage, parents with pushchairs, passengers with reduced mobility (PRMs) and disabled persons. Approx 200,000 new trips will be generated per annum if Tower Hill were to become accessible.

London Underground (LU) is fully aware that for wheelchair users, the step and gap between the train and the platform is a barrier to using the tube. This is why LU has pioneered the use of, and has won awards¹ for the installation of 'level access boarding points' on platforms known as Platform Humps. These allow wheelchair users to board regulated² trains at designated doorways which align with wheelchair spaces. The rail industry, DfT and Disabled Persons Transport Advisory Committee have recognised this as an innovative and important way of meeting our obligations to disabled people in an intensive metro service. LU has invested approximately £11m on the District, Circle and H&C lines installing these level access points.

The new S-stock vehicles which will be introduced on the District and Circle lines are also RVAR regulated. The vehicles have been designed with a 'low floor' which means they are typically 150mm lower than the current D-Stock

¹ London Underground 'platform humps project' won the CILT(UK) Award for Excellence 2009 in the Passenger Transport category.

² A regulated train is one which complies with the requirements set out in the Rail Vehicle Accessibility Requirements (RVAR) 1998, amended 2010, part of the DDA 1995, amended 2010.

Registered office is as above.

Registered in England and Wales,
Company Number 1900907

London Underground Limited is a company controlled by a local authority within the meaning of Part V Local Government and Housing Act 1989. The controlling authority is Transport for London.



trains used on the District line and because of this design, platform humps are not required. However to ensure the step and gap meets the requirements of RVAR (maximum step of 50mm and gap of 75mm) platform edge 'adjustments' have been made on a number of platforms and will be made on all of those sites agreed with by the DfT in our exemption application.

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

Based on Platform Train Interface data, LU estimates that the step and gap will change as follows:

From a step of 120mm and gap of 96mm with current trains
To a step of 0mm and a gap of approximately 150mm with new S-stock trains.

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

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

LU, as part of TfL, adopts the Social Model of Disability which means that TfL accepts:

- That it is society's response to a person's impairment or learning difficulties that creates disability;
- That discrimination against disabled and Deaf people is just as oppressive as discrimination against other groups such as women, lesbian, gay man, bi-sexual or transgendered people or people from black, Asian or minority ethnic (BAME) groups.

Therefore LU believes that:

- Some wheelchair users, particularly manual wheelchair users will be able to manage the step and gap which will be provided once the new S-stock trains are in service from 2014
- Some wheelchair users will be able to manage the step and gap with assistance from a member of staff, e.g. by steadying the back of the wheelchair.
- Some wheelchair users will require the use of a boarding aid (Manual Boarding Ramp- MBR). Discussed later.

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

LU would be interested to see the safety assessment which supports the statement '*It will simply not be safe for wheelchair users to attempt to board or get off trains at the station*' mentioned in Bill Ellson's letter.

We have a number of stations currently where steps and gaps exist and wheelchair users are using the train service. We are committed to doing everything we can to improve both the stations and the trains to make it easier for these users to board, in line with our legal obligations.

LU has recently updated the standard tube maps which identify the level of accessibility at each station by a wheelchair symbol either filled in either white or blue. White indicating SFA from street to platform and blue indicating SFA from street to train. In addition a step-free tube guide was updated in August 2011 enabling passengers with restricted mobility to navigate independently across the network.

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

'*Fully accessible*' is not a term which LU uses since disabled people are not a homogenous group of people and may have a wide variety of needs. Consequently it is unlikely that any building or public realm could be called '*fully accessible*' in any meaningful way. We do however refer to stations as 'step-free from street to platform' and 'step-free from street to train' and we have delivered and continue to deliver other improvements across all customer facing assets to ensure they meet the needs of disabled customers.

London Underground recently completed a trial of Manual Boarding Ramps. The high frequency of the LU service and the fact that it is 'turn up and go' for all users means that providing MBRs could be very challenging. The trial was to determine how these might be used in the live environment.

We are now analysing the data to determine whether these could be used for the Olympics and Paralympics. This could provide a viable solution for severely curved platforms.

This approach demonstrates LU's ongoing commitment to and continuous improvement of the needs of disabled people.

London Underground believes that it has represented the facts in this matter and is happy to supply this additional information and that we have in no way '*overstated*' the '*public benefit*', nor have we '*grossly misled*' elected members sitting on the Strategic Development Committee.

We would be happy to show members of the development committee the high use that our 63 step-free stations receive.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mike Crabtree', with a stylized flourish at the end.

Mike Crabtree
Senior Project Sponsor



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

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

By special delivery

Dear Sirs

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

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

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

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

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

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

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

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

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

Trowers & Hamlin LLP is a limited liability partnership registered in England and Wales with registered number OC337852 whose registered office is at Sceptre Court, 40 Tower Hill, London EC3N 4DX. Trowers & Hamlin LLP is regulated by the Solicitors Regulation Authority. The word "partner" is used to refer to a member of Trowers & Hamlin LLP or an employee or consultant with equivalent standing and qualifications – an individual with equivalent status in one of Trowers & Hamlin LLP's affiliated practices. A list of the members of Trowers & Hamlin LLP together with those non-members who are designated as partners is open to inspection at the registered office.



page 2
date 23 December 2011

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

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

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

Yours faithfully

Enc 3

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

4 December 2011

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

Dear Mr Ryan,

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

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

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

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

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

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

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

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

Turning to practicalities, saved UDP policy DEV34 states:

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

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

And 2011 London Plan policy 7.4 states:

LOCAL CHARACTER - Planning decisions

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

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

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

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

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

Yours sincerely

Bill Ellson
Secretary

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

11TH December 2011

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

Dear Mr Ryan,

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

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

Mind the Gap

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

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

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

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

Attached Documents

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

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

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

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

Yours sincerely

Bill Ellson
Secretary

This page is intentionally left blank

Agenda Item 7.2

Committee: Strategic Development Committee	Date: 1 March 2012	Classification: Unrestricted	Agenda Item No: 7.2
Report of: Corporate Director Development & Renewal		Title: Planning Application for Decision	
Case Officer: Jane Jin		Ref No: PA/11/03375	
		Ward(s): Blackwall and Cubitt Town	

1. APPLICATION DETAILS

Location: Poplar Business Park, 10 Prestons Road, London E14 9RL

Existing Use: Three two storey warehouse style building comprising circa 7000sq.m of light industrial, offices and workspace.

Proposal: Demolition of existing buildings and redevelopment of the site to provide a mixed use scheme of between 3 and 22 storeys comprising 8,104sq.m of business accommodation (Use Class B1), 392 residential units (Use Class C3), associated parking and landscaping.

This application is accompanied by an Environmental Impact Assessment under the provision of the Town and Country Planning (Environmental Impact Statement) Regulations 1999.

Drawing Nos: SCH-302 REV B, SCH-303 REV A, PL-001, PL-002, EL-001, EL-002, EL-003, EL-004, PL-003, PL-004, PL-005, PL-009A, PL-010A, PL-011A, PL-012A, PL-013A, PL-014A, PL-015A, PL-016A, PL-017A, PL-018A, PL-019A, PL-020A, PL-021A, PL-022A, PL-023A, PL-024, PL-025, PL-026, PL-027, PL-028, PL-029, PL-030, PL-031, PL-032, PL-100A, PL-101A, PL-102A, PL-103A, PL-104, PL-105, PL-200, PL-201A, PL-202A, PL-203A, PL-204A, PL-205A, PL-206, PL-300A, PL-301A, PL-302, PL-303, PL-304, PL-305, EL-141, EL-142, EL-143, EL-144, EL-145, EL-146, EL-147, EL-148, SC-151, SC-152, SC-153, SC-154, SC-155, SC-156, SC-157, LS-01, LS-04, LS-05, LS-06, LS-07

Approved Documents: Design and Access Statement;
Planning Statement;
Environmental Statement;
Transport Assessment;
Sustainability Statement;
Energy Statement;
Statement of Community Involvement;
Economic and Employment Study;
Workspace Travel Plan;
Residential Travel Plan

Applicant: Workspace Group plc c/o GVA

Owner: Workspace Group plc.

Historic Building Conservation None
None

Area:

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan (1998), the Council's Interim Planning Guidance (2007), Adopted Core Strategy (2010), Managing Development DPD (proposed submission version 2012), the London Plan (2011) and Government Planning Policy Guidance and has found that:
- 2.2 The scheme will provide an employment-led mixed used residential scheme which safeguards the employment uses on-site and would also facilitate locally-based employment, training and local labour opportunities for the local community together with the identified public realm improvements. The scheme therefore accords with policies 4.3, 4.4 of the London Plan, saved policies DEV3 and EMP1 of the Council's Unitary Development Plan (1998); policies DM15 and DM17 of the Managing Development DPD (proposed submission version 2012) and policies SP01 and SP06 of the Core Strategy 2010, which seek to support the growth of existing and future businesses in accessible and appropriate locations.
- 2.3 The scheme will provide a residential led mixed-use redevelopment with appropriate replacement of employment uses. The scheme would therefore provide opportunities for growth and housing in accordance with the objectives as set out in policies: SP02 of Core Strategy 2010; DEV3 of the Unitary Development Plan 1998; and DM3 and DM17 of Managing Development DPD (proposed submission version 2012).
- 2.4 The building height, scale, bulk and detailed design are acceptable and enhance the character and appearance of the surrounding area, in accordance saved policies: DEV1, DEV2 and DEV37 of the adopted Unitary Development Plan (1998), policies DEV1, DEV2 and DEV3 of the Interim Planning Guidance (2007), policies SP10 and SP12 of the Core Strategy (2010); and DM24 and DM26 of the Managing Development DPD (proposed submission version 2012); and policies 7.1, 7.4, 7.6 and 7.7 of the London Plan 2011, which seek to ensure buildings and places are of high quality design and suitably located.
- 2.5 The development would form a positive addition to London's skyline, without causing detriment to local or long distant views, in accordance policies 7.7 of the London Plan (2011) and policies SP10 of the Core Strategy Development Plan Document 2010; DEV6 of Unitary Development Plan 1998; DEV27 of the Interim Planning Guidance 2007; and DM26 of Managing Development DPD (proposed submission version 2012) which seek to ensure tall buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.
- 2.6 The proposal provides an acceptable amount of affordable housing and mix of units, as demonstrated through viability assessment. As such, the proposal is in line with Planning Policy Statement 3, policies 3.8, 8.10, 3.11, 3.12, 3.13 of the London Plan (2011), saved policy HSG7 of the Council's Unitary Development Plan (1998), policies HSG2 and HSG3 of the Council's Interim Planning Guidance (2007); policy SP02 of the Core Strategy Development Plan Document (2010); and DM3 of the Managing Development DPD (proposed submission version 2012) which seek to ensure that new developments offer a range of housing choices.
- 2.7 On balance the scheme provides acceptable space standards and layout. As such, the scheme is in line with saved policy DEV2 of the Council's Unitary Development Plan (1998), policy DEV1 of Council's Interim Planning Guidance (2007); policy SP02 of the Core Strategy Development Plan Document (2010); and DM4 of the Managing Development DPD (proposed submission version 2012) which seek to provide an acceptable standard of

accommodation.

- 2.8 The proposed amount of amenity space is acceptable and in line with saved policy HSG16 of the Council's Unitary Development Plan (1998), policy HSG7 of the Council's Interim Planning Guidance (2007); policy SP02 of the Core Strategy Development Plan Document (2010), and of DM4 of the Managing Development DPD (proposed submission version 2012) which seek to improve amenity and liveability for residents.
- 2.9 On balance it is not considered that the proposal would give rise to undue impacts in terms of privacy, overlooking, sunlight and daylight, and noise upon the surrounding residents. Also, the scheme proposes appropriate mitigation measures to ensure a satisfactory level of residential amenity for the future 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 DEV1 of the Interim Planning Guidance (2007); policy SP10 of the of the Core Strategy Development Plan Document (2010) and DM25 of the Managing Development DPD (proposed submission version 2012), which seek to protect residential amenity.
- 2.10 Transport matters, including parking, access and servicing, are acceptable and in line with policies T16 and T19 of the Council's Unitary Development Plan (1998), policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (2007); policy SP08 and SP09 of the Core Strategy Development Plan Document (2010) and DM20 and DM22 of the Managing Development DPD (proposed submission version 2012), which seek to ensure developments minimise parking and promote sustainable transport options.
- 2.11 Contributions have been secured towards the provision of affordable housing; education improvements; public realm improvements; community facilities; transportation; and access to employment for local people in line with Regulation 122 of Community Infrastructure Levy 2010, Government Circular 05/05, saved policy DEV4 of the Council's Unitary Development Plan (1998), policy IMP1 of the Council's Interim Planning Guidance (2007), and policies SP02 and SP13 of the Core Strategy Development Plan Document (2010), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

3. RECOMMENDATION

- 3.1 That the committee resolves to **GRANT** planning permission subject to:

A. Any **direction** by **The Mayor of London**

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

Financial Contributions

- a) £652,520 towards Education;
- b) £108,799 towards Community Facilities (Leisure)
- c) £96,957 towards Employment and Enterprise;
- d) £136,000 towards Health;
- e) £300,000 towards the junction improvements to the Aspen Way;
- f) £150,000 towards public realm improvements along Poplar High Street;
- g) £270,000 towards public transport infrastructure provision (Buses) (TfL);
- h) £15,000 towards Legible London sign (TfL)
- i) £34,585 monitoring fee (2%)

Non-Financial Contributions

- j) 25% affordable housing by hab rooms – split 30% shared ownership and 70% affordable rent;
- k) 20% of the construction phase force to local residents

- l) 20% goods/services procured during construction phase
- m) Travel Plan (to include details of alternative real time public transport information display screens within the development)
- n) Code of construction practice
- o) Provision of a pedestrian access (public walkway) through the site and Aspen Way and future provision through to Poplar Business Park
- p) Car-free agreement
- q) Retain workspace as SMEs
- r) Review of viability prior to commencement to assess the delivery of affordable housing.

Total financial contribution: **£1,763,861**

- 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:
- 1) 3 year time limit for Implementation;
 - 2) Submission of phasing plan to be approved;
 - 3) Submission of Material samples including details of obscure glazing (block C1) and detailed drawings;
 - 4) Surface water drainage;
 - 5) Contamination;
 - 6) Verification report;
 - 7) Piling and foundation design using penetrative methods;
 - 8) Piling method statement;
 - 9) Impact studies on existing water supply
 - 10) No infiltration;
 - 11) Scheme of Highways works;
 - 12) Delivery and Service Management Plan;
 - 13) Construction Management and Logistics Plan;
 - 14) Parking (vehicle, disabled, motorcycle, cycle, a car club space);
 - 15) 20% electric charging points on site and in the basement and further 20% passive provision.
 - 16) Details of hard and soft Landscaping scheme (in consultation with City Airport), including details of brown roof; child play space and green walls;
 - 17) Details of wayfinding signage within the site;
 - 18) Scheme of lighting;
 - 19) Details of swift boxes and bat roost;
 - 20) Detailed specification of minimum 10% wheelchair units in each phase in accordance with plans submitted;
 - 21) Lifetime Homes;
 - 22) Internal noise specification/insulation;
 - 23) Details of ventilation and extraction for A3 uses;
 - 24) Refuse and recycling;
 - 25) BREEAM Excellent, Code Level 4;
 - 26) Provision of Heat network and in compliance with the energy strategy;
 - 27) Provision of Renewable energy;
 - 28) Archaeology;
 - 29) Details of craneage;
 - 30) Completed structure at 76.64 AOD;
 - 31) Standard hours of construction;
 - 32) Power/hammer driven piling/breaking (10am - 4pm Monday to Friday);
 - 33) Approved plans; and

- 34) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.
- 35) Black redstart Survey
- 36) Waste Management Plan

Informatives

- 1) Section 106 agreement required;
 - 2) Definition of superstructure works
 - 3) Section 278 Highways agreements required;
 - 4) Contact Environment Agency;
 - 5) Contact Thames Water
 - 6) Any other informative(s) considered necessary by the Corporate Director Development & Renewal.
- 3.4 That if, the legal agreement has not been completed by the time agreed with the applicant in the Planning Performance Agreement, the Corporate Director of Development & Renewal is delegated power to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

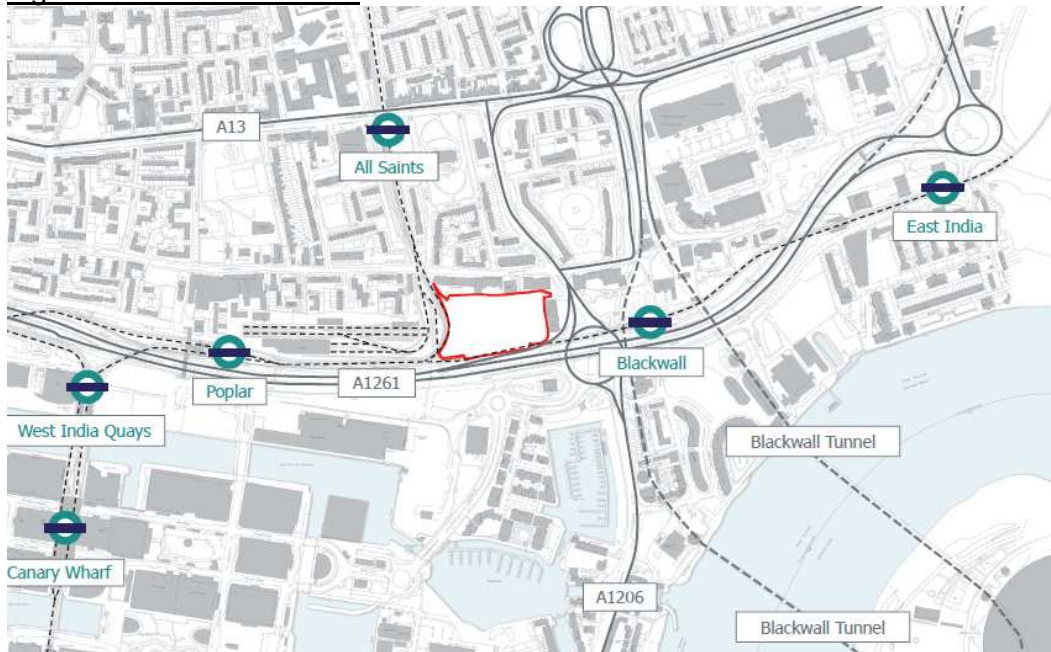
Proposal

- 4.1 The proposal is for the redevelopment of the site to provide mixed use development of buildings ranging from 3 to 22 storeys comprising 8,104sq.m of business accommodation (Use Class B1), 392 residential units (Use Class C3), associated parking and landscaping.

Site and Surroundings

- 4.2 The application site is 1.65ha in size and is located to the north of Isle of Dogs. The site is bounded by properties to the north fronting Poplar High Street, Dockland Light Railway tracks to the west and south, and Wharfside Point development to the east. The site is accessed off Prestons Road.
- 4.3 The site is occupied by three two storey buildings and is currently being used as a light industrial/office use (B1).
- 4.4 The site has a PTAL (Public Transport Accessibility Level) of 4, 6 being the highest and 1 being the lowest accessibility to public transport. The site is approximately 250m to Blackwall DLR station, and easy walking distance to Poplar, East India and All Saints Stations. The site is served by a several number of bus routes.
- 4.5 The prevailing heights of the buildings along Poplar High Street ranges from 2 to 13 storeys and Wharf Side Point South located east of the application reaches up to 25 storeys in height.

4.6 **Figure 1 Site Location Plan**



Relevant Planning History

4.7 The following planning decisions are relevant to the application:

LBTH ref.	Description
PA/10/01866	Redevelopment of the site to provide a mixed use scheme of between 3 & 30 storeys comprising 5,388 sq.m (GEA) of office (Class B1a) floor space; 1,270sq.m (GEA) of Light Industrial (Class B1c) floor space; 312 residential units (Class C3); a 91 bedroom hotel (Class C1); 3,329sq.m (GEA) of plant floor space; 202sq.m (GEA) of restaurant (Class A1/A3) floor space; and associated parking and landscaping. Application was withdrawn following discussions with officers.

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 this application:

Spatial Development Strategy for Greater London (London Plan)

- 1.1 Delivering the strategic vision and objectives of London
- 2.5 Sub regions
- 2.13 Opportunity areas and intensification areas
- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and assessing health inequalities
- 3.3 Increasing housing supply
- 3.5 Quality and design for housing developments
- 3.6 Children and young people’s play and informal recreation facilities
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.12 Negotiating affordable housing
- 3.13 Affordable housing thresholds
- 4.1 Developing London’s economy
- 4.3 Mixed use developments and offices

4.12	Improving opportunities for all
5.1	Climate change mitigation
5.2	Minimising carbon dioxide emissions
5.3	Sustainable design and construction
5.6	Decentralised energy in new developments
5.7	Renewable energy
5.8	Innovative energy technologies
5.9	Overheating and cooling
5.11	Green roofs and development site environs
5.13	Sustainable drainage
5.14	Water quality and waste water infrastructure
5.15	Water use and supplies
5.21	Contaminated Land
6.3	Assessing effects of development on transport capacity
6.5	Funding Crossrail and other strategically important transport infrastructure
6.9	Cycling
6.10	Walking
6.13	Parking
7.1	Building London's neighbourhoods and communities
7.2	Inclusive environment
7.3	Designing out crime
7.4	Local character
7.5	Public realm
7.6	Architecture
7.7	Location and design of large and tall buildings
7.11	London view management framework
7.12	Implementing the LVMF
7.13	Safety, security and resilience to emergency
7.14	Improving air quality
7.15	Reducing noise and enhancing soundscapes
7.19	Biodiversity and access to nature
8.2	Planning obligations

Supplementary Planning Guidance/Documents

London Housing Design Guide 2010
Affordable Housing 2012 (DRAFT)
Providing for Children and Young People's Play and Informal Recreation

Unitary Development Plan 1998 (as saved September 2007)

Proposals: Flood Protection Area

Policies:

DEV1	Design Requirements
DEV2	Environmental Requirements
DEV3	Mixed Use Developments
DEV4	Planning Obligations
DEV8	Protection of Local Views
DEV9	Control of Minor Works
DEV12	Provision Of Landscaping in Development
DEV46	Protection of Waterway Corridors
DEV50	Noise
DEV51	Contaminated Soil
DEV55	Development and Waste Disposal
DEV56	Waste Recycling
DEV69	Efficient Use of Water

EMP1	Promoting economic growth and employment opportunities
EMP3	Change of use of office floorspace
EMP10	Development Elsewhere in the Borough
HSG7	Dwelling Mix and Type
HSG13	Internal Space Standards
HSG16	Housing Amenity Space
T10	Priorities for Strategic Management
T16	Traffic Priorities for New Development
T18	Pedestrians and the Road Network
T21	Pedestrians Needs in New Development
S10	Requirements for New Shop front Proposals
OS9	Children's Playspace
U2	Development in Areas at Risk from Flooding

Interim Planning Guidance for the purposes of Development Control

Proposals: Local Industrial Location

Policies:

DEV1	Amenity
DEV2	Character and Design
DEV3	Accessibility and Inclusive Design
DEV4	Safety and Security
DEV5	Sustainable Design
DEV6	Energy Efficiency
DEV7	Water Quality and Conservation
DEV8	Sustainable Drainage
DEV9	Sustainable Construction Materials
DEV10	Disturbance from Noise Pollution
DEV11	Air Pollution and Air Quality
DEV12	Management of Demolition and Construction
DEV13	Landscaping and Tree Preservation
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
DEV21	Flood Risk Management
DEV22	Contaminated Land
DEV25	Social Impact Assessment
DEV27	Tall Buildings Assessment
EE2	Redevelopment/Change of Use of Employment Sites
HSG1	Determining Housing Density
HSG2	Housing Mix
HSG3	Affordable Housing
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating Provision of Affordable Housing
CON5	Protection and Management of Important Views

Interim Planning Guidance - Leaside Area Action Plan

Proposals: Local Industrial location

Policies:

L2	Transport
L3	Connectivity
L5	Open Space

L6	Flooding
L7	Education provision
L8	Health Provision
L9	Infrastructure and services
L10	Waste
L35	Residential, retail and leisure uses in East India North Sub-area
L36	Design and built form in East India North sub-area

Core Strategy Development Plan Document (Adopted September 2010)

Proposals: Local Employment Location
Flood Risk Area 2 and 3

Policies:

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 – Tower of London Vision, Priorities and Principles

Managing Development - Development Plan Document (DPD) Proposed Submission Version

Proposals: Local Industrial Location
Flood Risk Area

Policies:

DM3	Delivering Homes
DM4	Housing Standards and amenity space
DM9	Improving air quality
DM10	Delivering Open space
DM11	Living Buildings and biodiversity
DM13	Sustainable drainage
DM14	Managing Waste
DM15	Local job creation and investment
DM16	Office Locations
DM17	Local Industrial Locations
DM20	Supporting a sustainable transport network
DM21	Sustainable transport of freight
DM22	Parking
DM23	Streets and public realm
DM24	Place-sensitive design
DM25	Amenity
DM26	Building heights
DM29	Achieving a Zero-carbon borough and addressing climate change
DM30	Contaminated Land and development and storage of hazardous substances

Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS4	Planning for Sustainable Economic Growth
PPS9	Biodiversity and Geological Conservation
PPS12	Local Spatial Planning
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPS25	Flood Risk

Draft National Planning Policy Framework

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

- A better place for living safely
- A better place for living well
- A better place for creating and sharing prosperity

6. CONSULTATION RESPONSE

6.1 The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below:

6.2 The following were consulted regarding the application:

LBTH Biodiversity

6.3 The application site is largely existing buildings and hard surfaces and therefore has little ecological value. Ecology was correctly scoped out of the Environmental Impact Assessment.

The only possible biodiversity impact would be if black redstarts are nesting on the site when the existing buildings are demolished. A condition should be imposed that, if demolition is undertaken during April to July inclusive, a survey for black redstarts should be undertaken immediately before demolition to ensure no black redstarts are nesting on the site. This will ensure no breach of the Wildlife & Countryside Act.

The proposals include extensive brownfield-style green roofs ("brown roofs"), which will be a significant biodiversity enhancement, including providing foraging habitat for black redstarts. Provision of brown roofs, with a minimum area matching that shown in the Illustrative Landscape Plan, should be secured by condition.

[Officer's Comment: Appropriately worded condition will be imposed]

LBTH Education

6.4 Based on the Council's Draft Planning Obligations SPD, the proposal would result in the need for 44 additional primary places at £14,830 per place, and 16 additional secondary school places at £22,347 per place. Accordingly, the total education financial contribution of £1,010,072 should be sought

[Officer's Comment: This is considered at paragraph 8.148 of this report.]

LBTH Design and Conservation

6.5 Design and conservation have no objections to the proposed scheme. Much of the detail design was discussed through a pre-application process. Details of materials should be secured as part of a condition.

[Officer's Comment: Appropriately worded condition will be imposed]

LBTH Energy Efficiency

- 6.6 The proposal aims to achieve a Code for Sustainable Homes Level 4 rating and have a total of 23% CO₂ reduction above the Building Regulation requirements. The proposal also includes PV installation on the rooftops which would result in a 3% carbon savings over the baseline. Suitably worded condition should be imposed to ensure that the energy strategy as submitted is implemented and Code for Sustainable Home Level 4 is achieved.

[Officer's Comment: Appropriately worded condition will be imposed]

LBTH Environmental Health

Air Quality

- 6.7 No response received.

Noise & Vibration

- 6.8 The proposed development will have several noise and vibration issues due to its proximity to DLR tracks, roads and business uses on the ground floor. Residential areas above and close to the noise and vibration sources will need to have appropriate sound insulation which comply with LAm_{ax} criteria of BS8233:1999 'Sound Insulation and Noise Reduction for Buildings – Code of Practice.

[Officer Comment: The applicant has confirmed that suitable mitigation measures have been employed to ensure that good standard of living environment meeting the required criteria is met. A suitably worded planning condition will ensure that the internal noise level and appropriate sound insulation in accordance with the British Standards is implemented and maintained]

Land Contamination

- 6.9 The proposal is likely to result in the excavation of a large amount of contamination. As such, a condition requiring further contamination investigation and mitigation works should be attached if planning permission is granted.

[Officer's Comment: Appropriately worded condition will be imposed]

LBTH Highways and Strategic Transport

- 6.10
- The site has a PTAL rating of 4 which demonstrates that a good level of public transport service is available within the immediate vicinity of the site;
 - The proposed level of parking provision of 88 spaces including 9 dedicated spaces for blue-badge holders, complies with the maximum standards and therefore no objection raised.
 - A Car-Free Agreement is recommended;
 - Servicing will take place on site and the internal roads will be appropriately laid out to accommodate servicing vehicles for the uses proposed.
 - Auto-track for refuse lorry using the internal road and servicing the refuse pick-up points have been provided and acceptable in highways terms.
 - Residential cycle parking provision of 554 cycle spaces (minimum 1:1) complies with policy and is therefore acceptable. Of these, 44 are for the commercial uses and generous amount has been allocated for visitors which is supported;

- A location of Cycle Hire Docking station is also proposed which is supported however further discussion with the TfL is required.
- The applicant should ensure that the cycle storage areas are secure;
- A Section 278 Highway Agreement is required;
- A full travel plan for both residential and commercial uses have been submitted with the application;
- The pedestrian movements and accessibility improvements through the site is welcomed;
- Financial contribution towards pedestrian safety (Crossing), highway surface works, and public realm improvements to Poplar High Street and Cotton Street should be secured.

[Officer Comment: These comments are discussed in section 8 of this report]

LBTH Housing

6.11 Support the proposal for the following reasons:

- This development has been designed to deliver 25% affordable housing measured by habitable rooms.
- Within the 25% affordable offer, the proposed tenure split between social rent and intermediate accommodation is 70: 30 (by habitable rooms) This is inline with policy SP02(4) set out in the Councils Core Strategy.
- The unit mix within the affordable rented proposes 17% one beds against a target of 30%, 26% two beds against a target of 25%, 41% three beds against a target of 30%, 12% four beds against a target of 15% and 3% five beds for which there is no specific target.
- There is an under provision of one beds for affordable rent and a slight under provision of 4 beds. However, on balance, with the provision of 5 bed units the total level of family sized affordable rented accommodation proposed equates to 57%, the exceeds the minimum requirement of 45% and is therefore welcomed.
- Within the intermediate the applicant proposes to deliver 38% one beds against a target of 25%, 31% two beds against a target of 50% and a 28% provision of three beds against a target of 25%.
- There is an under provision of intermediate two beds, however on balance, with the above target provision of family sized units in the intermediate tenure, this would be acceptable.
- The proposal includes 10% provision of wheelchair units within the scheme. The borough currently has a high demand for large family sized wheelchair units in the social rented tenure.
- All family sized units within the affordable rent units have incorporated separate kitchens.

LBTH Waste Policy and Development

6.12 Separate refuse storage is provided within the proposed development. This is acceptable. A condition requiring a waste management plan should be imposed.

[Officer's Comment: Appropriately worded condition will be imposed]

NHS (Health)

- 6.13 This development is within Blackwall and Cubitt Town Ward. The nearest current practice that has the development in its catchment area is All Saints practice. To accommodate the expected population growth from this and other developments in the locality, a new network service hub is being development at Newby Place. Therefore a contribution of £531,908 is sought to go towards the long lease or fit out costs for this development.

[Officer's Comment: This is discussed at paragraph 8.150 of this report]

Environment Agency (Statutory Consultee)

- 6.14 Initially the Environment Agency raised objection as the proposal did not consider flood emergency planning including flood warning evacuation of people for a range of flooding events up to and including the extreme events.

The applicant has submitted an Emergency Flood Plan in accordance with PPS25, and EA have withdrawn their objection subject to planning conditions.

Greater London Authority (GLA) (Statutory Consultee)

- 6.15 London Plan policies on mixed-use development, housing, tall buildings, views, conservation, urban design, children's play space, inclusive design, sustainable development, flooding, ambient noise, transport and Crossrail are relevant to this application. The application complies with some of these policies but not with others, for the following reasons:

- The principle of a mixed-use redevelopment of the site is supported by London Plan polices 4.3 and 4.4
- The provision of housing on site is consistent with policy 3.3 of the London Plan. However, in the absence of an appraisal of the applicant's financial viability report, it is not possible to establish if the affordable housing is the 'maximum reasonable amount', in accordance with policy 3.12 of the London Plan. It also needs to be demonstrated that the housing mix meets local needs.

[Officer's comment: The applicant has submitted a viability toolkit which has been independently assessed and it demonstrates that the proposed amount of affordable housing of 25% is the maximum reasonable amount that the development can deliver]

- The proposed density of the site is appropriate for its context, in accordance with London Plan policy subject to confirmation about the quality of the residential accommodation in particular.

[Officer's Comment: Appropriately worded condition will be imposed to ensure that suitable living environment is achieved in terms of internal noise levels.]

- The principle of a tall building is acceptable in strategic planning terms, in accordance with policy 7.7 of the London Plan however further information is required in relation detailed design matters. Improvements or further information is required in terms of legibility of industrial uses, and provision of landscaping and green spaces and green walls.

[Officer's comment: The detailed design matters refer to details of wayfinding throughout the site and improving site's legibility. It is proposed that a suitable worded condition will be

imposed for details of wayfinding signage for the entire site to be submitted and approved. In addition, details of landscaping and green walls will be secured through a condition to ensure that this can be delivered.]

- A play strategy has been submitted confirming that sufficient on-site play provision for under 5 year olds would be provided, in accordance with the London Plan policy 3.6 and relevant planning guidance.
- The applicant has committed to meeting Lifetime Homes standards, together with the provision of 10% wheelchair accessible units. However, insufficient information has been provided in order to demonstrate that the scheme accords with the London Plan policies 3.8 and 7.2. Confirmation of how the residential units would comply with Lifetime Homes and Wheelchair accessibility standards is required before the application is referred back at Stage 2, together with a schedule of accommodation and an indicative layout plan of a typical wheelchair flat.

[Officer's Comment: Details of location of wheelchair units was subsequently submitted following Stage 1 comments from the GLA. The location of units are spread across the tenures and a total of 39 wheelchair units are provided, which is equivalent to 10% of the total provision. Further details of the wheelchair units are discussed in section 8 of this report.]

- The applicant has broadly followed the energy hierarchy. Sufficient information has been provided to understand the proposals as a whole and the carbon dioxide savings exceed the targets set within policy 5.2 of the London Plan, subject to some further information being provided. Further information is required in relation to connection to the site heat network.

[Officer's Comment: The applicant has submitted further information to the site heat network. The Council's Energy Officer is content that the site wide heat network connects all uses to the single energy centre.]

- The applicant has provided sufficient information to demonstrate that the scheme would meet the requirements of the London Plan and Mayor's Sustainable Design and Construction SPG. The measures proposed would need to be secured by way of condition.

[Officer's Comment: Appropriately worded condition will be imposed]

- The scheme would be affected by high noise levels and suitable attenuation measures and/or redesign are required to ensure that a satisfactory standard of accommodation is achieved in accordance with policy 7.15 of the London Plan. Improvements or further information is required in terms of residential quality and orientation of single aspect units, legibility of industrial uses, and provision of landscaping and green spaces and green walls.

[Officer's Comment: Appropriately worded condition will be imposed for suitable attenuation measures to ensure satisfactory standard of accommodation is achieved.]

- The scheme would be acceptable in relation to air quality, in accordance with policy 7.14 of the London Plan.
- The scheme is broadly acceptable from a transport and parking perspective but there are several issues that are outstanding and further information and commitments from the applicant are required before the proposals can be

accepted as fully compliant with London Plan transport policies. Measures are required in order to mitigate the transport impacts of the development. These include contributions towards improving bus capacity, a dedicated car club space and the delivery of pedestrian, cycling and public realm improvements, including contributions to the Cycle Hire Scheme, and a construction logistics plan and delivery and servicing plan should be secured by way of condition.

[Officer's Comments: An appropriate worded condition will ensure that a car club space is provided on site and the applicant has agreed to an onsite provision. The applicant has committed to financial contributions towards public realm improvements (Aspen Way and Poplar High Street) which will improve public access nearby. In relation to public transport improvements, the applicant has committed to provide financial contribution towards buses and Legible London. In relation to contributions sought for cycle hire scheme, further discussions took place with TfL and the applicant has agreed to a dedicated space within the site to accommodate the requested 24 cycle spaces only and no further contribution for the docking station. An appropriately worded condition will secure construction logistics plan and delivery and servicing plan]

- The site falls within the Isle of Dogs Contribution Area, as set out in the Mayor's SPG 'Use of Planning Obligations in the funding of Crossrail', and the scheme generates the requirements for a contribution towards Crossrail. Further discussion is required in order to secure the required amount of Crossrail contribution.

[Officer's Comments: Following further discussions with TfL, it has been agreed that in this instance a Crossrail charge is not applicable. This is due to the existing lawful use on the site falling within B1 Use Class which also includes B1(a). Given the nature of the accommodation provided (SMEs) it is not possible to quantify existing B1a floor space and the proposed B1a. The proposal is to replace the existing like for like and based on the assumption that there is no overall uplift in dedicated B1(a). In addition, the existing B1 floorspace of 6,945sq.m (GEA) and the proposed B1 floorspace is 7,255.7sq.m. The proposal therefore would only have an uplift of 310.7sq.m which falls below the threshold for contributions towards Crossrail.]

- Consideration should be given to securing flexible and affordable workspace in perpetuity.

[Officer's Comments: The proposed layout and the location of the workspace dictate flexibility and affordability of the use which allows for smaller spaces to be expanded for growing businesses. A clause will be added to the s106 to ensure that the proposed workspaces are provided as SMEs.]

- Further information and discussion is required in relation to the housing mix, housing quality, together with verification of the applicant's financial appraisal to demonstrate that the affordable housing level is the maximum reasonable amount.

[Officer's Comments: The Council's Housing Officer is satisfied with the proposed dwelling mix and the quality of housing that is proposed. The larger units within the affordable rent provision are provided with separate kitchens/diners. The financial viability toolkit has been independently assessed and it demonstrates the proposed provision of affordable housing is the maximum reasonable amount.]

National Air Traffic Services Ltd (NATS) (Statutory Consultee)

6.16 The proposed development has been examined from a technical safeguarding aspect and

does not conflict with our safeguarding criteria. Accordingly, NATS Limited has no safeguarding objections to this proposal.

London Fire and Emergency Planning Authority (Statutory Consultee)

- 6.17 Initially no comments were provided as detail of emergency access was required to assess the proposal. Further consultation was carried out with relevant information however no further comments have been received at the time of writing.

London City Airport (Statutory Consultee)

- 6.18 The proposal has been examined from an aerodrome safeguarding aspect and does not conflict with safeguarding criteria. Accordingly no safeguarding objection to the proposal subject to conditions.
- Completed structure at 76.64 AOD
 - Construction methodology for the use of cranes
 - All landscaping plans and plantations to ensure that it is unattractive to birds and to discourage bird activity to ensure safe operations at the Airport.

[Officer's Comment: Appropriately worded conditions will be imposed]

Natural England (Statutory Consultee)

- 6.19 Natural England welcomes the ecological enhancement recommendations within the submitted ecological assessment, particularly the inclusion of a green or brown roof within the development. This would have multiple benefits for urban biodiversity and tie in with this area's Local Biodiversity Action Plan targets.

Thames Water

- 6.20 The surface water management plan as specified in the submitted Flood Risk Assessment document is acceptable to Thames Water and should be adhered to.

Following planning conditions should be imposed.

- No impact piling shall take place until a piling method statement is submitted and approved.
- Impact studies of the existing water supply to be submitted and approved

Following informative should be added.

- discharge of ground water into public sewers, contact Thames Water.

[Officer's Comment: Appropriately worded condition and informatives will be added]

Transport for London (TfL) (Statutory Consultee)

- 6.21
- TfL considers that the level of vehicular trips generated by the proposed development is unlikely to have a significant impact on the operation of the TLRN.
 - The proposed development is likely to generate additional demand on the local bus network, which is currently at capacity. TfL therefore request contribution towards buses for over three years to provide extra journey on one of the routes that serve the site in order to mitigate the impact on bus capacity.
 - Overall, the level of car parking proposed is in line with the standards set out in the London Plan policy 6.13.
 - Applicant proposes to fit 20% of all car parking spaces with active electric vehicle charging points and make passive provision for further 20%, in line with London Plan policy 6.13.

- To promote sustainable car use, TfL recommends that the applicant considers providing dedicated car club parking spaces and measures to promote car club use which should be contained in the site's travel plan.
- The proposed level of cycle parking and individual elements of the scheme complies with the minimum London Plan standards set out in Policy 6.13.
- TfL welcomes the applicant's commitment to provide a Cycle Hire Docking Station within the site. Although the applicant suggested 16 docking stations, TfL requests a contribution of £182,000 towards a minimum of 30 docking points, given the scale of the site.
- The quality of the pedestrian realm around the site is poor, as identified by the applicant's PERS audit. TfL considers that opportunities for improving pedestrian and cyclist movements to better integrate the site into its surroundings should be explored and that contributions are pooled from this surrounding developments in this respect, in line with London Plan Policy 6.9.
- In addition, financial contribution towards installation of DLR departures screen (DAISY boards) in the communal areas of the residential blocks should be secured. Wayfinding should also be improved and the applicant is requested to contribute towards TfL's Legible London scheme in this respect.

[Officer's Comment: Financial contribution is secured for Legible London and an alternative real time public transport information display screens which will be secured through a travel plan as agreed with TfL].

- The delivery and servicing plan is welcomed and should secure through condition, alongside a construction and logistics plan (CLP).
- A requirement for a Crossrail contribution from this development relate to the net additional impact from the new development by deducting the theoretical charge that would be paid by the existing uses within the site from that proposed. Currently, the proposal has an amalgamated B1(a), (b), (c) uses, so it is unclear how much of these are/will be used as offices. This should be clarified.
- Overall, TfL has no significant objections to the principle of the proposed development. However, TfL considers that further work is required by the applicant in order to comply with the London Plan.

[Officer's Comment: Issues raised above have been addressed under GLA's comments: see paragraph 6.15]

Design Council CABA

- 6.22 The design Council generally supports the proposal and commends the applicant's commitment to develop a high quality mixed-use scheme on this site. However further detail of the organisation of the open space, quality of north-south route and the relationship between the proposed new blocks and the backs of the properties on Poplar High Street is required.

[Officer's Comment: Appropriately worded condition will be imposed to ensure high quality landscaping for the open space and the north-south route is delivered]

English Heritage Archaeology

- 6.23 The site lies in an Archaeological Priority Area, as designated by the borough. The designation is primarily due to the presence of prehistoric material and land surfaces in the area. Remains from the Neolithic through to Iron Age can be expected, along with ecofacts and paleo-environmental evidence associated with the underlying peats and alluvial deposits. No further work need be undertaken prior to determination of the planning application but the archaeological position should be reserved by attaching a condition to any consent granted under this application.

[Officer's Comments: Appropriately worded condition as suggested by the English Heritage]

will be imposed.]

7. LOCAL REPRESENTATION

7.1 A total of 1427 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: 16 Objecting: 16 Supporting: 35

No of petitions received: None

7.2 The following issues were raised in representations that objected to the proposal and are material to the determination of the application. These are addressed in the next section of this report:

- Loss of view and negative value on property

[Officer Comment: Loss of view and/or negative value on properties is not material consideration to planning.]

- Loss of daylight, overshadowing and visual amenity loss

[Officer comment: As discussed within paragraphs 8.78 to 8.106 of this report, on balance, it is considered that the benefits of the proposal would outweigh the impact on the neighbouring properties.]

- Increased congestion

[Officer's Comment: Whilst the proposal will result in an increase in car trips, the impact from the development will be mitigated through financial contribution sought will improve the pedestrian environment nearby and also the a car-free agreement will be secured to ensure that the future residents will not be able to apply for car parking space on street. This is discussed in detail within section 8 of this report.]

- Close proximity of the proposed building to Wharfside Point South resulting in overlooking and privacy

[Officer's Comment: The proposal has been designed with appropriate separation distances and therefore it is considered that the proposal will not significantly impact upon the amenity of the occupiers of the neighbouring properties. This is discussed in detail within Section 8 of this report.]

- Noise, disturbance, dust during construction

[Officer comment: This phase of the development would be closely monitored through an Environmental Management Plan and Construction Management Plan, thus this concern would be dealt with if planning permission were granted]

- Height and density

[Officer's Comment: The proposed heights and rationale in height distribution of the buildings across the site is considered acceptable. The proposed density is also considered acceptable for this site. Further detailed discussion on these matters can be found in Section 8 of the report]

- Decreased security

[Officer's Comment: There is no evidence to suggest that the development would result in

less security. The residential development together with pedestrian link through the site would provide more natural surveillance than the current situation on the application site.]

- Impact to the character of the area

[Officer's Comment: The proposal is considered to enhance the character and appearance of the area, though a carefully considered layout and design. There are no heritage assets within the immediate proximity. This is further detailed within Section 8 of this report.]

- No crossing provided for on Aspen Way

[Officer's Comment: The applicant has committed to provide financial contribution towards improvements to Aspen Way Junction. Contributions will be pooled from other developments nearby to provide improved pedestrian environment around the Preston Road Roundabout.]

- No provision for family sized units for existing residents

[Officer's Comment: The proposal includes appropriate amount of family sized dwellings (57% in the affordable provision and only a 4% shortfall overall) in accordance with Policy SP02 of the Core Strategy 2010. In addition, the Council's Housing officer is satisfied with the quantum and quality of family housing proposed.]

- Site is not suitable for a large redevelopment

[Officer's Comment: Whilst the site is physically constrained, the proposal follows the objectives of PPS 1 'Creating Sustainable Development', which promotes the more efficient use of land with higher density, mixed-use schemes. It suggests using previously developed, vacant and underutilised sites to achieve national targets. The effective use of land and the range of incentives/interventions to facilitate this are also encouraged in PPS3 'Housing'.]

- Glares from Solar Panel installation

[Officer's Comment: This comment is from residents in Wharfside Point South which is located east of the development site. It should be noted that PV solar panels are designed to absorb sunlight in order to convert it into electricity, and not reflect sunlight. In addition, the panels are designed with anti-reflective layer which is designed to reduce the polarised reflections]

- Overcrowding

[Officer's Comment: The proposed density on the site is appropriate and the space standards for the proposed dwellings are in compliance with the London Plan 2011.]

- Inadequate parking/loading/turning areas

[Officer comment: The amount and location of parking, provision for loading and servicing and turning areas on site are considered acceptable, as discussed further in section 8 of this report]

The following points were raised in representations that supported the proposal:

- Improve local area by providing more open space/public square
- Improvement to the community
- Provision for small businesses and high quality business units
- More affordable homes
- New pedestrian routes
- Quality housing for many different groups
- Attractive design

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Land Use
2. Housing
3. Design
4. Amenity
5. Transport
6. Sustainability
7. Section 106 Agreement

Land Use

8.2 National, regional and local policy promotes a mixed use development approach on this site, subject to the following considerations.

8.3 In respect of national policy, PPS 1 'Creating Sustainable Development', promotes the more efficient use of land with higher density, mixed-use schemes. It suggests using previously developed, vacant and underutilised sites to achieve national targets. The effective use of land and the range of incentives/interventions to facilitate this are also encouraged in PPS3 'Housing'.

8.4 In respect of regional policy, whilst the London Plan does not identify the site as being strategically important industrial land, the site is identified as a 'Local Industrial Centre' and as such, in accordance with policy 4.4 there is an assumption that the continuing use of the site for industrial and business areas should be the first priority. The site also lies to the north of Isle of Dogs Opportunity Area as identified in policy 4.3 of the London Plan (2011). The policy states that the increase in office floor space should provide for mix of uses, including housing.

8.5 Locally, the site is in light industrial and business use, and the site is identified as a Local Industrial Location (LIL) as identified in Policy SP06 of the Core Strategy. The policy states that intensification through mixed use development of LIL can be supported if:

- a) there is no overall net loss of employment floorspace;
- b) there is no detrimental impact upon the quality and usability of that floorspace;
- c) appropriate access arrangements; and
- d) mitigation of environmental impacts have been considered from the outset.

Policy DM17 of the Managing Development DPD (proposed submission version 2012) also supports intensification of LIL subject to:

- i) provision of separate access and servicing for commercial uses and residential uses;
- ii) provision of residential uses do not jeopardise the function and viability of the Industrial B Use Class on the site and within the wider LIL;
- iii) provision of high quality flexible working space which is usable; and
- iv) a range of flexible units including units less than 250 square meters and less than 100sq.m to meet the needs of Small and Medium Enterprises (SMEs).

Employment Use

8.6 The scheme proposes an increase in employment use through intensification of the site with re-provision of the employment floor space at a higher level than the existing. The proposal includes 7,255sq.m (GEA) of B1 Use Class which replaces 6,945sq.m (GEA) of existing underutilised commercial floorspace (Use Class B1).

8.7 The application site is owned and operated by Workspace Group who is a provider of affordable and managed business accommodation for small and medium enterprises

(SMEs). The proposed commercial floorspace will replace the existing to provide workspace units to modern day standards and a range in unit sizes allowing for occupation by small and medium sized businesses and a space for artist studio. The proposed layout of the commercial floorspace is flexible which provides opportunity for smaller business to expand into larger units as the business grows. The workspaces are arranged from ground and up to second floors of majority of the cores within the development. The scheme has been designed to truly meet the needs of the small and medium sized enterprises (SMEs) which accords with policies SP06 of the Core Strategy and policies DM15 and DM17 of the Managing Development DPD (proposed submission version 2012). This provision is proposed to be secured through the s106 to ensure that the uses do not change to a pure large scale office (B1a).

- 8.8 The proposed workspaces benefit from its own separate access and servicing to the residential uses and it proposes to create an 'employment hub' which includes central workspace reception area and ancillary café. The hub is positioned around the central public open space/access area where pedestrian link is provided through the site to Aspen Way and future connection to Poplar High Street. The proposed site layout with employment hub centred on the public realm will provide truly vibrant employment site.
- 8.9 The scheme also includes workshops which are more suited to light industrial activities on the south and western side of the site, along the DLR railway line. These units will benefit from direct servicing activities. The applicant has also confirmed that the proposal can provide flexible space above the A3 café use within Block B3 for the use as a community facility. The space has been designed flexibly to allow the use of the space as meeting rooms for the employment use, or use by the community as the demand arises.
- 8.10 The application states that the proposal is expected to generate 425 jobs directly, which represents a significant uplift of approximately 325 jobs over what is currently on site. This is considered to be beneficial to the borough's local employment opportunities and is supported.
- 8.11 The proposed re-provision of intensified employment uses on the subject Local Industrial Location is considered to be beneficial to the area providing for variety and flexible approach to employment spaces and complies with the policies contained within the London Plan and the Core Strategy.

A3 Use

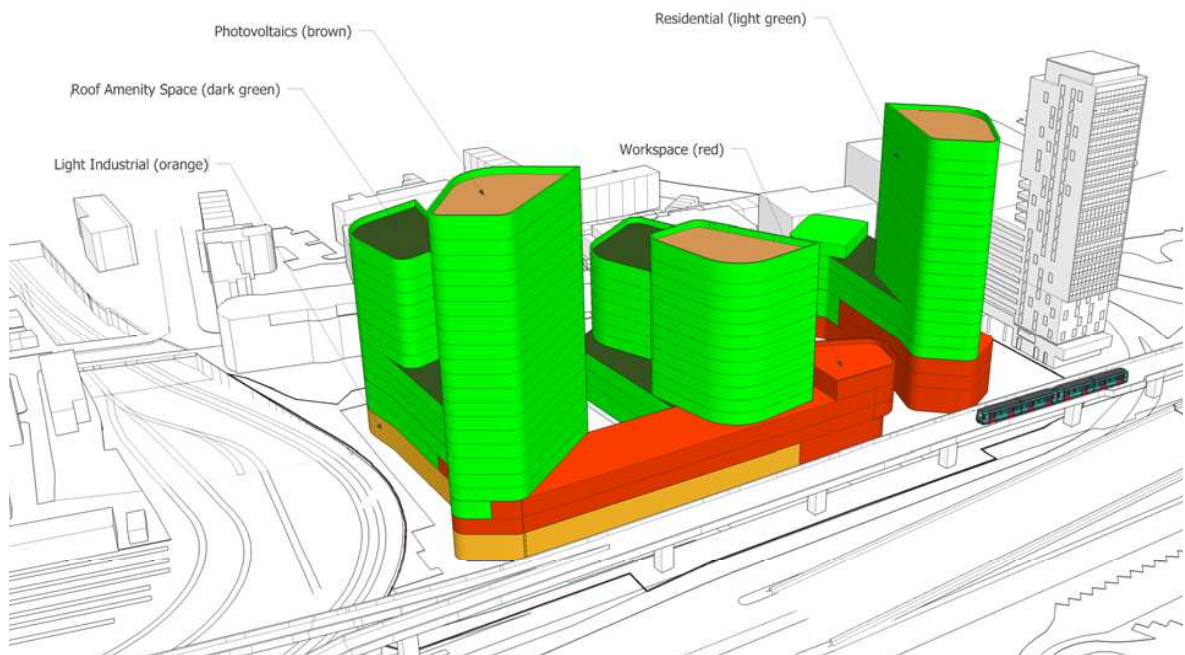
- 8.12 The application proposes commercial space on the ground floor, to include ancillary café A3 (restaurant/café), located within the employment hub. This is to support the activities of the employment spaces. The provision of the A3 use will assist in activating the ground floor of the central public realm area, and will also provide services for the future residents and pedestrians, and is therefore considered acceptable in the context of the overall development.

Residential Use

- 8.13 Additional homes are key priority of the London Plan, and its Policy 3.3 seeks provision of at least an annual average of 32,210 additional homes across London up to 2015/16. The Plan also sets an overall housing provision target between 2011 to 2021 of 28,850 new homes in the London Borough of Tower Hamlets, and an annual monitoring target of 2,885. The Council's Core Strategy seeks to deliver approximately 43,275 new homes from 2010 to 2025 which is in line with the target set out in the London Plan. The Core Strategy supports intensified mixed use scheme in Local Industrial Locations.
- 8.14 The key success in delivering residential use on the application site is to ensure that

satisfactory quality of residential accommodation is achieved and the functions of the commercial uses are not undermined by the residential uses. The scheme ensures that the proposed residential use complement the commercial uses by creating an inclusive environment for all the users on the site. The residential uses benefit from separate entrance cores, separate residential communal amenity space at semi podium level, above the semi basement car park. However, the residents can also utilise the central public space surrounded by workspaces, which creates a genuine inclusive environment. As discussed later, the proposal provides 392 residential units (which represents 13.5% of the borough's existing annual homes target) of which 25% is to be delivered as affordable housing. The proposed intensified mixed use development is considered to accord with the policies within the London Plan and the Core Strategy whilst helping to meet the borough's housing targets.

Figure 2. Proposed Uses



Density

- 8.15 Policy HSG1 of the IPG specifies that the highest development densities, consistent with other Plan policies will be sought throughout the Borough. The supporting text states that, when considering density, the Council deems it necessary to assess each proposal according to the nature and location of the site, the character of the area, the quality of the environment and type of housing proposed. Consideration is also given to standard of accommodation for prospective occupiers, microclimate, impact on neighbours and associated amenity standards.
- 8.16 London Plan (2011) policy 3.4 seeks to optimise housing potential, having regard to local context, design principles and public transport accessibility.
- 8.17 The site has a public transport accessibility level (PTAL) of 4, and its immediate setting is an urban location. For central sites with a PTAL range of 4, both the IPG and London Plan density matrix suggest a density of between 200-700 habitable rooms per hectare. Given the mixed use nature of the proposal, it is more appropriate to establish the net residential density. Therefore, based on a calculation of 1161 habitable rooms over the site area of 1.28ha (80% of 1.65ha. site), the proposed residential density would be 907 habitable rooms per hectare which is above the density guidance range of the London Plan and IPG.

It should be noted that the objective of London Plan and Council's IPG policies are to maximise the highest possible intensity of use compatible with the local context, good design principles and public transport capacity.

- 8.18 It should be remembered that density only serves an indication of the likely impact of development. Typically high density schemes may have an unacceptable impact on the following areas:
- Access to sunlight and daylight;
 - Lack of open space and amenity space;
 - Increased sense of enclosure;
 - Loss of outlook;
 - Increased traffic generation; and
 - Impacts on social and physical infrastructure.
- 8.19 As detailed within this report, officers consider that the subject site can accommodate the proposed density development in line with the suggested PTAL range, and the above symptoms of over-development are not prevalent in this case.

Housing

Affordable Housing

- 8.20 The Draft National Planning Policy Framework notes that "...where affordable housing is required, (local authorities should) set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities"
- 8.21 Policy 3.11 of the London Plan seeks the maximum reasonable amount of affordable housing, and to ensure that 60% is social housing, and 40% is intermediate housing. Policy 3.9 seeks to promote mixed and balanced communities, with a mixed balance of tenures.
- 8.22 Policies SO7 and SO8 of the Core Strategy (2010) seek to ensure that housing growth is delivered to meet housing demand in line with the London Plan, and ensure that housing contributes to the creation of socially balanced and inclusive communities, through delivery of housing reflecting the Councils priorities.
- 8.23 Policy SP02 of the Core Strategy (2010) states that the Council will seek to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought. This policy seeks a split of 70% social rent to 30% intermediate housing provision.
- 8.24 Under the recent national planning policy statement, PPS3, issued in June 2011, the definition of affordable housing has changed and now includes social rented, a new product called affordable rented, and intermediate housing.
- 8.25 The Mayor of London has also published a draft supplementary planning guidance note on affordable housing, which is currently out for consultation. This deals with how the Government's new affordable rent housing product can be used to implement the policies in the Plan.
- 8.26 Target rented housing is defined as: Rented housing owned and managed by local authorities and registered social landlords, for which guideline target rents are determined through the national rent regime. It may also include rented housing owned or managed by other persons and provided under equivalent rental arrangements to the above, as agreed

with the local authority or with the Homes and Communities Agency as a condition of grant.

- 8.27 Affordable rented housing is defined as: Rented housing let by registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is not subject to the national rent regime but is subject to other rent controls that require a rent of no more than 80% of the local market rent.
- 8.28 Intermediate affordable housing is defined as: Housing at prices and rents above those of social rent, but below market price or rents, and which meet the criteria set out above. These can include shared equity products (e.g. HomeBuy), other low cost homes for sale and intermediate rent but does not include affordable rented housing.
- 8.29 A total of 87 of the 392 residential units within the proposal would be affordable housing, which represents a total provision of 25% based on habitable rooms. 58 residential units would be Affordable Rent which represents 70% and 29 residential units would be Intermediate, representing 30%.
- 8.30 The Council has commissioned a housing consultancy called the Pod Partnership to research market rent levels in different areas of the borough and to carry out affordability analyses. The affordability analyses for all areas of the boroughs led to the conclusion that rents would only be affordable to local people if they were kept at or below 65% of market rent for one beds, 55% for two beds and 50% for three beds and larger properties. These percentages have been factored into the emerging policies within the Managing Development DPD (proposed submission version 2012). The proposed rent levels will be secured in accordance with the levels stated in the Managing Development DPD.
- 8.31 The application was accompanied by a viability toolkit to demonstrate that the 25% is the maximum amount of affordable housing the proposal can deliver. The viability assessment has been tested by an independent consultant, appointed by the Council, and it has been confirmed that 25% is the maximum reasonable amount that the proposal can deliver together with the secured s106 package. Various sensitivity testing were also carried out to assess different level of affordable housing provision and its resultant s106 package to ensure that the maximum reasonable amount of affordable housing is secured. The London Plan and the Core Strategy accepts that the level of affordable housing provision is subject to viability of the scheme. The applicant has also agreed to a review mechanism to be secured through s106 to test the viability of the scheme at different phases of the scheme to increase the affordable housing should the financial climate become more favourable in the future.
- 8.32 Whilst the proposed affordable housing includes Affordable Rent provision, the rent levels are proposed at Pod research levels, that is, 65% of market rents for one beds, 55% for two beds and 50% for three beds and larger properties. This is in line with the Council's policy and therefore is considered to be acceptable.
- 8.33 On balance, the affordable housing offer is considered acceptable and accords with policies 3.9, 3.11 and 3.12 of the London Plan, Policy HSG3 of the IPG, policy SP02 of the Core Strategy, and policy DM3 of Managing Development DPD (proposed submission version 2012) in that it delivers the maximum reasonable amount of affordable housing. The proposal will deliver a mix of housing tenures, and thus officers are satisfied that the proposal is delivering mixed and balanced communities.

Housing Mix

- 8.34 Planning Policy Statement 3 states that "key characteristics of a mixed community are a variety of housing, particularly in terms of tenure and price and a mix of different households such as families with children, single person households and older people".

- 8.35 Pursuant to policy 3.8 of the London Plan, the development should “...offer a range of housing choices, in terms of housing sizes and types, taking account of the housing requirements of different groups’. Table 1 below shows the proposed unit mix on the Site.
- 8.36 Pursuant to saved policy HSG7 of the LBTH UDP (1998), new housing development should provide a mix of unit sizes where appropriate, including a substantial proportion of family dwellings of between 3 and 6 bedrooms. On developments of 30 dwellings or more, family dwellings should normally be in the form of houses with private gardens.
- 8.37 Policy SP02 of the Core Strategy Development Plan Document (2010) seeks to create mixed communities. A mix of tenures and unit sizes assist in achieving these aims.
- 8.38 According to policy HSG2 of the IPG, and policy DM3 of the Managing Development DPD, the family housing provision in the rented, intermediate and private sale components should be 45%, 25% and 20% respectively. Table 1 below sets out the proposed mix on the Site.

Table 1: Unit Mix

Unit size	Total units in scheme	Social Rent (Affordable rent)			Intermediate			Private Sale		
		Units	%	Target %	Units	%	Target %	Units	%	Target %
1 bed	135	10	17	30	11	38	25	114	37	50
2 bed	154	15	26	25	9	31	50	130	43	30
3 bed	93	24	41	30	8	28	25	61	20	20
4 bed	7	7	12	15	0		0	0		
5 bed	3	2	4	0	1	3	0	0		0
TOTAL	392	58	100	100	29	100	100	305	100	100

- 8.39 As seen from the table above, the unit mix within the affordable rented proposes 17% one beds against a target of 30%, 26% two beds against a target of 25%, 41% three beds against a target of 30%, 12% four beds against a target of 15% and 3% five beds for which there is no specific target. There is an under provision of one beds for affordable rent and a slight under provision of 4 beds. However, on balance, with the provision of 5 bed units the total level of family sized affordable rented accommodation proposed equates to 57%, the exceeds the minimum requirement of 45% and is therefore welcomed.
- 8.40 Within the intermediate the proposal will deliver 38% one beds against a target of 25%, 31% two beds against a target of 50% and a 28% provision of three beds against a target of 25%. There is an under provision of intermediate two beds, however on balance, with the above target provision of family sized units in the intermediate tenure, this would be acceptable.
- 8.41 The proposed dwelling mix secures a mixture of small and large housing by providing an overall target of 26% of all new housing to be of a size suitable for families, and importantly exceeding the requirement of 45% of social rented (affordable rent) housing by provide overall 57% family sized housing. Whilst there is a shortfall of 4% of the overall family sized housing, the excess family housing within the affordable housing provision is most welcomed and is supported by the Council’s housing officer. On balance, the proposal is considered to meet policy SP02 of the Core Strategy.

Wheelchair Housing and Lifetime Homes

- 8.42 Policy HSG9 of the Interim Planning Guidance requires housing to be designed to Lifetime Homes Standards including 10% of all housing to be designed to a wheelchair accessible or “easily adaptable” standard. The application incorporates these principles. The proposal provides 39 wheelchair adaptable units across all tenures and all the units are to be designed to lifetime home standards. The applicant has submitted detailed layout of each wheelchair unit and the proposed layout and space standards meets the wheelchair housing requirement. Therefore, the provision of 10% wheelchair homes together with 100% lifetime homes is acceptable in these circumstances.
- 8.43 If planning permission is approved, appropriate conditions should be attached to secure the delivery of accessible residential units, and parking spaces.

Floorspace Standards

- 8.44 Saved policy HSG13 ‘Conversions and Internal Space Standards for Residential Space’ of the adopted UDP 1998, Supplementary Planning Guidance ‘Residential Space’ (adopted 1998) and policy DM4 of the Managing Development DPD (proposed submission version 2012) set the minimum space standards for residential developments.
- 8.45 Policy 3.5 of the London Plan seeks to ensure that the design and quality of housing developments are of the highest standard internally, externally and to the wider environment. This includes new space standards from the London Housing Design Guide.
- 8.46 All of the units satisfy the minimum dwelling size standards as set out in table 3.3 in the London Plan 2011 and table 3 in the Managing Development DPD (proposed submission version 2012).

Amenity Space

- 8.47 Pursuant to PPS3, paragraph 16 states that the matters to consider, when assessing design quality in housing developments, include the extent to which the proposed development “*provides, or enables good access to, community and green and open amenity and recreational space (including play space) as well as private outdoor space such as residential gardens, patios and balconies*”. Further still, paragraph 17 of PPS3 states that “*where family housing is proposed, it will be important to ensure that the needs of children are taken into account and that there is good provision of recreational areas, including private gardens, play areas and informal play space*”.
- 8.48 Saved policy HSG16 ‘Housing Amenity Space’ of the adopted UDP (1998) requires schemes to incorporate adequate provision of amenity space. The Residential Space SPG (1998) sets the minimum space criteria. Similarly, Policy HSG7 ‘Housing Amenity Space’ of the IPG (2007) sets minimum criteria for private as well as communal and children’s playspace. More up to date amenity standards are set out in policy DM4 of the Managing Development DPD (proposed submission Version 2012). It should be noted that the policy states that variation from the minimum provision of communal space can be considered where the Council accepts the provision of a high quality, useable and public accessible open space in the immediate area of the site. The amenity space standards and Child play space standards of the UDP, IPG and MD DPD are summarised in tables 2 and 3 below.

Table 2: Amenity Space SPG 1998, IPG 2007 and MD DPD 2012 standards

Type	No.	Type	Proposed (sq.m.)	UDP (SPG) Minimum Standard (sq.m.)*	IPG Minimum Standard (sq.m.) [†]	MD DPD Minimum Standards (sq.m.) [†]
Communal Space	392 units	Roof top gardens	863	442	432	432
		Ground level	5484			
Total			6,347			

*Calculation based on 50sqm, plus an additional 5sqm per 5 units

[†]Calculation based on 50sq.m for the first 10 units, plus a further 5sq.m for every 5 additional units thereafter.

Table 3: Child Play space Standards

Type	No.	Type	Proposed (sq.m)	UDP (SPG) Minimum Standard (sq.m.)*	MD DPD Minimum Standard (sq.m.) [†]	GLA's standard (sq.m.) [†]
Child Play space	119 Children	Roof top	1217	357	1,190	1,190
		Ground level	59			
Total			1276			

*Calculation based on 3sqm per child

[†]Calculation based on 10sq.m per child.

Private Amenity Space

8.49 The scheme proposes 31,441sq.m. of total combined private amenity space which is in excess of the minimum total requirement for 392 residential units. The Council's policy DM4 of Managing Development DPD (proposed submission version 2012) states that a minimum of 5sq.m. of private amenity shall be provided for 1-2 beds and extra 1sq.m. should be provided for each additional occupant. This would equate to a total combined requirement of 2,504sq.m for the proposed units. The policy further requires proposed balconies or other external private amenity spaces to have a minimum width of 1.5m to ensure a usable space is provided.

8.50 All of the units benefit from private space in the form of either a balcony or a private terrace with majority of the units with more than the minimum width standard as specified in the MD DPD policy. Additionally, as noted below the scheme provides a substantial amount of communal amenity space for the use of residents, which is considered an appropriate response given the urban nature of the site.

Communal Amenity Space

8.51 A total of 6,347sq.m. of communal amenity space is proposed on site. 863sq.m of the communal space is located on the roof tops of various blocks and would be accessible to the residents of that block. 5484sq.m is provided at ground level and is a combined space of two separate communal amenity space. The centrally located space is approximately 3,400sq.m. which is surrounded by the employment hub and also allows for public access. More distinct separated space for the use by the residents is also provided and is approximately 2,000sq.m and is surrounded by residential entrances and cores benefiting from natural surveillance from those units. The overall communal amenity space available on site in excess of the minimum standards and is supported.

Public Open Space

8.52 The ground level central landscaped amenity space is accessible to the public and the proposal also creates a publicly accessible pedestrian link to Aspen Way and future link to

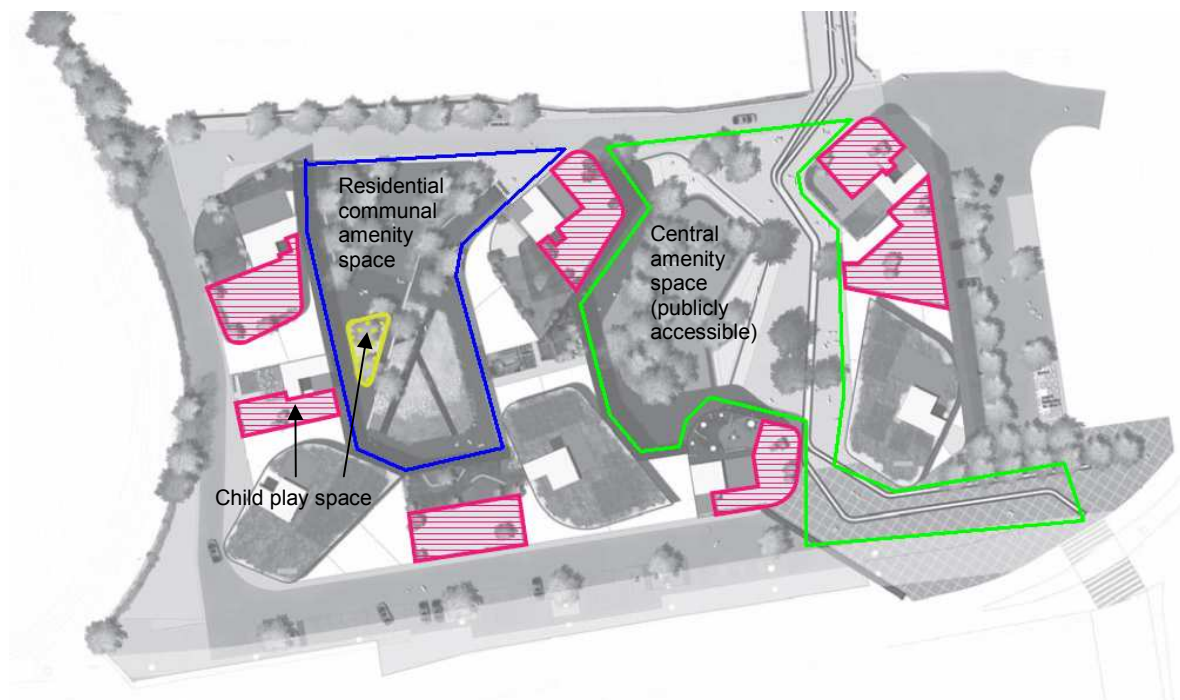
Poplar High Street. The public accessible route together with amenity space provision allows for active employment hub and is supported.

- 8.53 The provision of communal amenity space is substantially in excess of Council policy the proposal is considered to be an exemplar in integrating variety of usable spaces which is fully inclusive to all users.

Play Space

- 8.54 Based on the Tower Hamlets Planning for Population Change and Growth Capacity Assessment 2009 the proposed mix would result in a child yield of 119 children. This yield calculation is evidence based and Tower Hamlets specific, and is therefore considered a more accurate representation than the yield used by the GLA as outlined within the Mayor's supplementary planning guidance 'Providing for Children and Young People's Play and Informal Recreation'.
- 8.55 The Council's UDP (1998) seeks a minimum 3sqm play space per child, however the Mayor's supplementary planning guidance 'Providing for Children and Young People's Play and Informal Recreation' seeks 10sqm per child. The Council's more recent Managing Development DPD policy seeks 10sq.m per child, accordingly 10sqm threshold should be accommodated.
- 8.56 A total of 1,276sq.m of children's play provision is proposed both on the rooftop and on the ground level meets the minimum requirement of 1,190sq.m. of the Council's and GLA's standards. The details of children's play provision will need to be secured through a planning condition.
- 8.57 As detailed above, the application proposes a total combined space of 7,566sq.m communal and play space areas on site. On balance, it is considered that the proposal satisfies the requirements of the Interim Planning Guidance, UDP and the London Plan.

Figure 3. Location of amenity space and Child play space



Design

Introduction

- 8.58 PPS1 promotes high quality and inclusive design, creating well-mixed and integrated developments, avoiding segregation, with well planned public spaces. The PPS recognises that good design ensures attractive, useable, durable and adaptable places and is a key element in achieving sustainable development.
- 8.59 Policy 7.1 of the London Plan 'Building London's Neighbourhoods and Communities' sets out over-arching design principles for London. Policy 7.6 seeks to ensure that new buildings are of the highest architectural quality. These principles are also reflected in policies DEV1 and DEV2 of the UDP and the IPG.
- 8.60 Policy 7.7 of the London Plan (2011) sets out specific design issues associated with tall and large-scale buildings, which is particular relevance to the proposed scheme. The policy sets out specific additional design requirements for tall and large scale building, which are defined as buildings that are significantly taller than their surrounding and/or have a significant impact on the skyline and are larger than the threshold sizes set for referral of planning applications to the Mayor of London.
- 8.61 Policies 7.10 and 7.11 sets out the principles associated with the Mayor of London's View Management Framework.
- 8.62 Policy SP10 of the Core Strategy DPD (2010) seeks to promote and implement placemaking across the borough to ensure that the locally distinctive character and context of each place is acknowledged and enhanced. The policy also seeks to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds. The policy lists 8 criteria against which development proposals will be assessed in order to ascertain whether they achieve this.

Tall Buildings

- 8.63 Policy 7.7 of the London Plan (2011) states that tall buildings should be part of a plan-led approach to changing or developing an area by the identification of appropriate, sensitive and inappropriate locations. Tall and large buildings should not have an unacceptably harmful impact on their surroundings. Policy 7.7 of the London Plan provides detailed guidance on the design and impact of such large scale buildings, and requires that these be of the highest quality of design.
- 8.64 Council's own policy DM26 of the Managing Development DPD (proposed submission version) state that building heights will be considered in accordance with the town centre hierarchy and sets out a list of criteria. Policy DEV6 of the UDP specifies that high buildings may be acceptable subject to considerations of design, siting, the character of the locality and their effect on views. Considerations include, overshadowing in terms of adjoining properties, creation of areas subject to wind turbulence, and effect on television and radio interference. Policy DEV27 of the IPG October 2007 states that the Council will, in principle, support the development of tall buildings, subject to the proposed development satisfying a wide range of criteria.

Analysis

- 8.65 The design development has been discussed extensively with the applicant through pre-application and during the previously withdrawn application. The application site is challenging and constraint with Aspen Way and DLR railway lines immediately to the south and west of the site, and buildings on Poplar High Street and Cotton Street to the east and

north of the site. The site does benefit from a shared vehicular access with the development known as Wharf Side South/North from Cotton Street which is the existing arrangement for the site.

- 8.66 The proposed height of the buildings range from 3 to 22 storeys. The taller elements are located along the Aspen Way and DLR railway lines and these elements are considered to be well thought out in the context of the overall site layout and massing distribution of the proposed development. The proposed tall buildings relate well to the currently stand-alone tall building of Wharfside Point South (25 storeys) located to the east of the development site. The proposal creates a sense of place and better townscape along Aspen Way. The proposed tall buildings will be seen in the context with the tall building cluster currently emerging to the north eastern end of Isle of Dogs Activity Area, including Trafalgar Square, and New Providence Wharf to name a couple from many emerging residential towers with the proximity. Also the proposal will be seen with the Canary Wharf tall building cluster from a distance.
- 8.67 The proposal is considered to provide appropriate transition between the Isle of Dogs Activity Area to the south, and Poplar High Street Town Centre. The proposal does not have any significant impacts to Strategic and local views as discussed later in the report, and achieves high architectural design, which does not adversely impact up on any Heritage Assets. The proposal include high quality and useable amenity space for all users of the development, and does not adversely impacting on the microclimate of the surrounding area, as discussed later in the report. On balance, it is considered that the proposal complies with the criteria as set out in the Council's policies, in particular policies DM26 of the Managing Development DPD (proposed submission version 2012) and SP10 of the Core Strategy.

Scale, massing and layout

- 8.68 The proposal demonstrates a considered response to layout and massing of buildings. The height and massing of buildings has been redistributed successfully across the site compared to the withdrawn application, taking into account constraints of the site and the heights of neighbouring buildings. The proposed buildings range from 3 to 22 storeys in height, and the one of the proposed taller building adjacent to 25 storey building 'Wharfside Point South' is 20 storeys. The tallest building is proposed at 22 storeys and is located at the south western corner of the site nearest to DLR railway lines. The two taller buildings are closest to Aspen Way and DLR railway line and the building heights are reduced as it get closer to the backs of the buildings along Poplar High Street. The design has sought to integrate the Wharfside Point scheme and the current proposal as part of the same development and integrates well into the existing townscape.
- 8.69 The submitted design and access statement detail the massing and height distribution variations tested on the site. The proposed massing and height distribution have been carefully considered to take into account of visual permeability through the development, to create a noise buffer from DLR and Aspen Way, to allow sunlight and daylight potential to all amenity spaces and to create a space with different shape, size and identity.
- 8.70 In terms of layout, the proposed buildings are arranged as three fingers in a perimeter block form with permeable pedestrian access through the site from Aspen Way. The uses surrounding the communal open spaces inform how the spaces would be used and creates truly integrated mixed use scheme.
- 8.71 The proposed massing, scale and layout is considered to be satisfactory and successful within the confines of the site.

Design and Appearance

- 8.72 The proposal is considered to be well designed and of a good quality. The proposed individual buildings are treated individually with façade variations to create visual interest. The uses on the ground, first and second floors have bigger openings to distinct its employment use from residential use above and each of the buildings is treated with different subtle colours not to create large homogenous development. The predominant material used on buildings is brick which is welcomed.
- 8.73 The proposed design is well articulated, visually interesting and creates sense of place. Securing high quality materials is imperative to the success of this proposal, hence if planning permission is approved, a condition securing the submission of full details including samples of conditions is necessary.

Strategic Views

- 8.74 The site falls within the wider setting of the General Wolfe viewpoint (view point 5A.1) within Greenwich Park, as identified within the London Mayor's London View Management Framework (July 2010). The view includes several points of interest. The open space of Greenwich Park in the foreground and Grade I listed Queens House and Grade I listed Naval College in the middle distance. The view also includes Greenwich Reach, the Isle of Dogs and the tall buildings at Docklands.
- 8.75 The application is accompanied by Townscape and Visual Assessment which also includes local view assessments. At strategic level, the GLA have commented that the assessment from View 5A.1 is satisfactory, that although the proposed buildings would be visible, the proposed tall buildings would have limited detrimental impacts on the panorama, given the emerging cluster of recently constructed and approved tall buildings within the vicinity. In addition, when viewed from the General Wolfe viewpoint, the development would appear in the upper right quadrant of the view. It would not fall behind the silhouette of the Old Royal Naval College or other important buildings within the Greenwich Maritime World Heritage Site.

Local Views and townscape

- 8.76 On the impact to local townscape, of the 14 views tested the most important views to consider are from nearby listed churches as these churches are surrounded by open ground from which clear views of the proposed development can be gained. It is considered that the churches will remain as a dominant foreground element in the views tested as the proposed buildings will merge with the cluster of tall buildings appearing from East India Dock Road. On balance, the scheme is acceptable in this respect.

Figure 4. Proposed massing and height



Design Conclusions

- 8.77 In terms of height and massing, the proposed development is considered acceptable. The proposal has been designed in a manner which ensures relationship with its surrounding buildings is acceptable and coherent within the existing townscape. The proposal is therefore supported by officers in design terms.

Amenity

Daylight and Sunlight

- 8.78 Policy DEV2 of the UDP seeks to ensure that adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions. Supporting paragraph 4.8 states that policy DEV2 is concerned with the impact of development on the amenity of residents and the environment.
- 8.79 Policy DEV1 of the IPG states that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. The policy includes the requirement that development should not result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms. This is supported by policy SP10 of the Core Strategy.
- 8.80 The submitted Sunlight and Daylight Assessment has identified that several residential developments are within range of the proposed development, so as to be considered 'sensitive receptors', which contain habitable rooms*.

The following neighbouring residential properties were tested:

- Wharfside Point North;
- Wharfside Point South;
- 246-254 Poplar High Street;
- 260-268 Poplar High Street; and
- Caraway Heights

* The UDP (1998) advises that habitable rooms include living rooms, bedrooms and

kitchens (only where the kitchen exceeds 13sq.m.).

- 8.81 Daylight is normally calculated by three methods - the vertical sky component (VSC), Daylight Distribution (NSL) and the average daylight factor (ADF). BRE guidance (second edition), requires an assessment of the amount of visible sky which is achieved by calculating the VSC at the centre of the window. The VSC should exceed 27%, or not exhibit a reduction of 20% on the former value, to ensure sufficient light is still reaching windows. In the event that these figures are not achieved, consideration should be given to other factors including the NSL and ADF. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value. The ADF calculation takes account of the size and reflectance of rooms surfaces, the size and transmittance of its window(s) and the level of VSC received by the window(s). This is typically used to assess the quality of accommodation of new residential units, as opposed to neighbouring units.
- 8.82 British Standard 8206 recommends ADF values for residential accommodation as:
- 2% for kitchens;
 - 1.5% for living rooms; and
 - 1% for bedrooms.

Daylight Results: Impacts on Neighbouring Properties

- 8.83 Existing baseline conditions were tested to the windows and rooms of the properties mentioned above and the results are outlined in table 4 below.

Table 4. Existing daylight and sunlight to surrounding properties

Address	EXISTING VSC		% compliance
	Total windows assessed	No. of BRE compliant windows	
Wharfside Point South	233	138	59%
Wharfside Point North	146	105	72%
260-268 Poplar High Street	50	2	0.4%
246-254 Poplar High Street	29	24	82%
Caraway Heights	21	21	100%
Total	479	290	61%

- 8.84 Of the total 479 windows tested, 290 windows indicate compliance the BRE guidelines for VSC for the baseline situation. Majority of the properties along Poplar High Street are well lit with the exception of 260-268 Poplar High Street which has living accommodation under deep balconies which restrict availability of daylight.
- 8.85 In respect to the assessment as a result of the proposed development, of the 138 windows of the Wharfside Point South which are compliant with BRE, 126 windows will remain to comply with BRE guidelines in relation to VSC. It should be noted that the Wharfside Point South building is sited only 6 metres from the site boundary which means that any reasonable new development on site would have a significant effect on the available light.
- 8.86 Of the 105 windows on Wharfside Point North, 73 windows will remain to be compliance with BRE guidelines. The schemes improve the daylight and sunlight to 1 of the windows to 260-268 Poplar High Street such that it is BRE compliant. . In relation to 246-254 Poplar High Street none of the windows will comply with the BRE Guidelines as a result of the development, and similarly with Caraway Heights only 2 windows will remain to comply

with BRE guidelines.

- 8.87 When assessing No Sky Line Analysis (NSL), 109 of 172 rooms of Wharfside Point South comply with BRE, 109 of 125 rooms of Wharfside Point North comply with BRE, 7 out of 44 rooms of 260-268 Poplar High Street comply, 19 out of 26 of 246-254 Poplar High Street comply and 12 out of 21 of Caraway Heights comply with BRE guidelines.
- 8.88 In assessing Average Daylight Factors, majority of the rooms tested comply with the British Standards (BS). All the rooms tested for Wharfside Point South complied with BS standards; 117 rooms out of 125 for Wharfside Point North was satisfactory; 30 out of 39 rooms which complied with BS standards for 260-268 Poplar High Street was satisfactory; 16 out of 22 rooms which complied for 246-254 Poplar High Street was satisfactory; and all of 21 rooms of Caraway Heights was satisfactory.
- 8.89 In general, the worse affected properties are along Poplar High Street, and this is primarily due to 'borrowed light' scenario, in that the application site has low rise buildings and these properties have had virtually unobstructed views across the site for a very long period of time. Therefore any development over 3 stories on the site is likely to have a detrimental impact on the properties along Poplar High Street.
- 8.90 Whilst the results do show windows falling below the BRE standards for VSC and NSL and British Standards for ADF, it is considered that given the site location within an urban context and that the site has been occupied by low rise buildings, officers consider that on balance, the benefits of the scheme outweigh the loss of light suffered by these properties. In addition, in majority of cases, where the VSC and NSL falls below the BRE Guidelines, the ADF into the rooms still meet British Standards.

Sunlight Assessment

- 8.90 Sunlight is assessed through the calculation of the annual probable sunlight hours (APSH). This method of assessment considers the amount of sun available in the summer and winter, for windows within 90 degrees of due south.

Sunlight Results: Impacts on Neighbouring Properties

- 8.91 A total of 379 windows which overlook the site were tested and 200 indicate compliance. There is no impact to windows of Caraway Heights.
- 8.92 Whilst there are failures, on balance, and in the context of the scheme benefits and the dense urban environment, the overall impact on sunlight is considered acceptable.

Internal Daylight and Sunlight Amenity within the proposed development

- 8.93 The lower levels of the rooms were tested, and all the rooms meet the ADF criteria. The proposal will provide satisfactory means of accommodation for future occupiers.

Sunlight in gardens and open spaces

- 8.94 The BRE report (second edition) advises that for new gardens and amenity areas to appear adequately sunlit throughout the year "*at least half of a garden or amenity space should receive at least 2 hours of sunlight on 21st March.*"
- 8.95 Regrettably, the proposal can only provide 1 hour of sunlight (i.e. not cast by a shadow) to half of it proposed amenity space on the ground floor level. However, all the amenity spaces on the roof will have adequate sunlight throughout the year. It is also worth noting that a permanent shadow analysis has been carried out. The results on the residential

communal amenity space located between Blocks A and B of the development show that only 21.9% will be in permanent shadow, whilst 12.3% will be in permanent shadow in relation to the centrally located publicly accessible area (between Blocks B and C). In relation to the existing residential sites for Caraway Heights and 246-254 Poplar High Street, both areas are below 23% permanent shadow and majority of the permanent shadow are as a result of existing fences.

Air Quality

- 8.96 The application is accompanied by an Environment Impact Statement which includes Air Quality chapter, assessing likely air quality impacts as a result of the development. It is considered that as a result of the assessment a condition is necessary to require the submission and approval of a further Air Quality Management Plan as part of the Construction Management Plan, to detail measures to reduce dust escaping from the site. Such matters are also covered by separate Environmental Health legislation.

Noise and Vibration

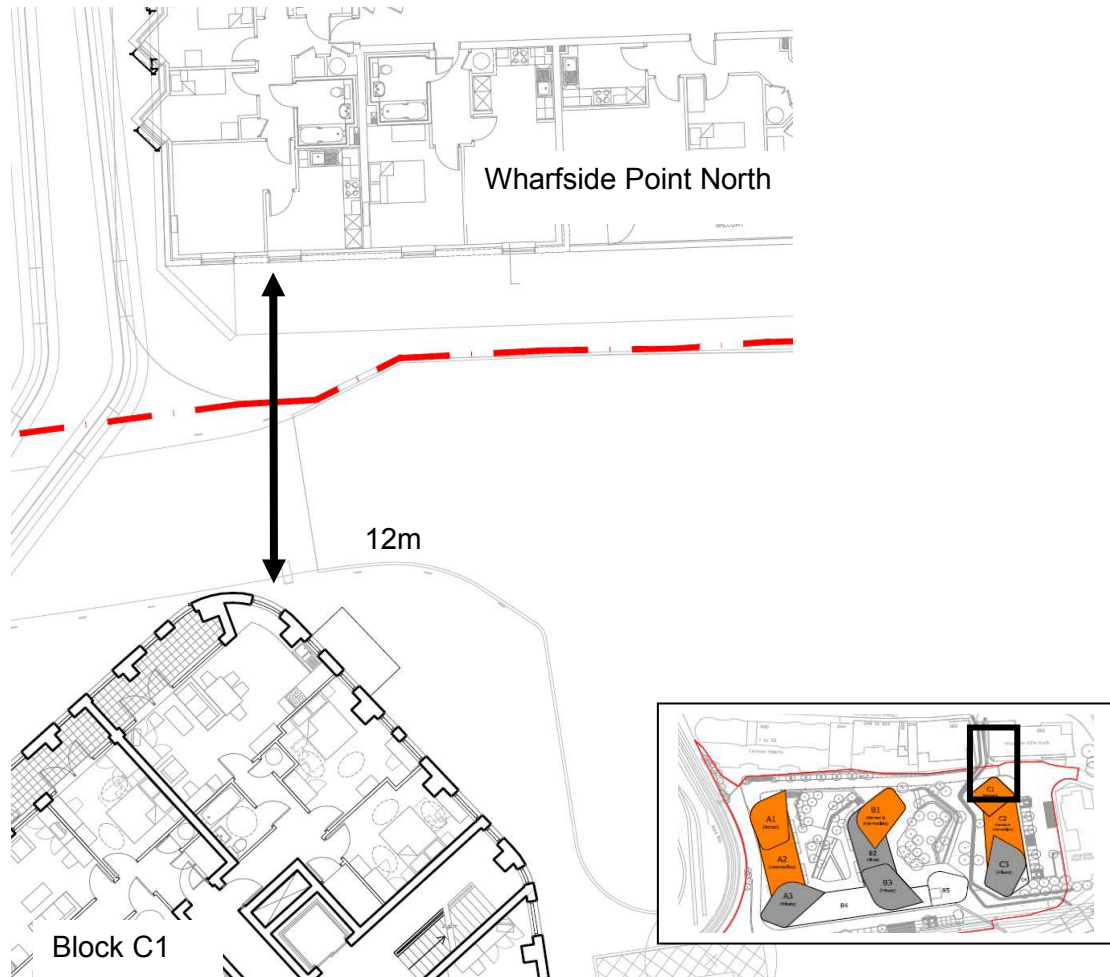
- 8.97 The Council's Environmental Health section reviewed the submitted information, and advised that the development will have several noise and vibration issues due to its proximity to DLR tracks, roads and business uses on the ground floor. Residential areas above and close to the noise and vibration sources will need to have appropriate sound insulation which comply with L_{Amax} criteria of BS8233:1999 'Sound Insulation and Noise Reduction for Buildings – Code of Practice. The applicant has confirmed that suitable mitigation measures have been employed to ensure that good standard of living environment. A suitably worded planning condition will ensure that the internal noise level and appropriate sound insulation in accordance with the British Standards is implemented and maintained.

Sense of Enclosure/Loss of Outlook and Privacy

- 8.98 Policies SP10 of the Core Strategy, DEV2 of the UDP; DEV1 of the IPG and policy DM25 of Managing Development DPD (proposed submission version 2012) seek to ensure that new development protects amenity, preventing the loss of privacy. This impact cannot be readily assessed in terms of a percentage or measurable loss of quality of outlook. Rather, it is about how an individual feels about a space. It is consequently difficult to quantify and is somewhat subjective.
- 8.99 The separation distance of the proposed building and its neighbouring building at Wharf side Point South is minimum 21m. The proposed buildings have also been designed like a 'teardrop' shape including curved edges to create greater separation distances between buildings. Not only does this improve the direct habitable to habitable room relationship, this element of the design also provides visual interest. The Council's UDP and policy DM25 of the Managing Development DPD (proposed submission version 2012) states that a distance approximately 18m between windows of habitable rooms reduces inter-visibility to a degree acceptable to most people. This is applied as guidance and the proposal generally exceed this minimum separation distance.
- 8.100 The only habitable room window to habitable room separation distance which fail to meet the minimum separation distance of is located on the northern end in Block C1 and its relationship with Wharfside Point North is approximately 12m. (see figure 5). Only one or two kitchen windows to a flat on each floor (a total of 6 units) which will have direct habitable room window to window separation distance of 12 m. In this instance, given that the proposed kitchen will have multiple windows, the subject windows can be obscured glazed to ensure no direct overlooking is achieved. A suitably worded condition will be imposed for appropriate mitigation towards direct overlooking.

8.101 All other window to window relationship is more than 18m and therefore is satisfactory. In the opinion of officers, the separation distances between the proposed development and directly facing neighbouring properties is considered acceptable given the urban context of the surrounding area and privacy impacts can be appropriately mitigated.

Figure 5. Separation Distance between proposed Block C1 and Wharf Side Point North



Micro-Climate

8.102 Planning guidance contained within the London Plan 2011 places great importance on the creation and maintenance of a high quality environment for London. Policy 7.7 (Location and Design of Tall and Large Buildings) of the London Plan, requires that *“tall buildings should not affect their surroundings adversely in terms of microclimate, wind turbulence..”* Wind microclimate is therefore an important factor in achieving the desired planning policy objective. Policy DEV1 (Amenity) of the IPG also identifies microclimate as an important issue stating that:

“Development is required to protect, and where possible seek to improve, the amenity of surrounding and existing and future residents and building occupants as well as the amenity of the surrounding public realm. To ensure the protection of amenity, development should: ...not adversely affect the surrounding microclimate.”

8.103 The application is accompanied by a Wind Microclimate Desk Study and it assesses the likely impact of the proposed development on the wind climate, by placing an accurate

model of the proposed building in a wind tunnel. The wind tunnel test also considered the landscaping proposal on site and parapet details of the scheme. The assessment has focused on the suitability of the site for desired pedestrian use (i.e. leisure walking at worst, with standing conditions at entrances and in retail areas, and sitting/standing conditions in public realm areas during summer) and the impact relative to that use.

- 8.104 The pedestrian level wind microclimate at the site was quantified and classified in accordance with the widely accepted Lawson Comfort Criteria.
- 8.105 Overall, all conditions within and around the site are suitable for their intended use, apart from entrance to a light industrial unit near the south west corner of the site. It is recommended that the entrance to the light industrial unit to be located either west elevation or south elevation of the unit. The proposed scheme has been designed with this assessment in mind, and the location of the entrance to the light industrial unit has been located on the western elevation and not located in the corner. All other locations have a wind microclimate that is equal to or calmer than desired, and therefore no additional mitigation is considered necessary.
- 8.106 It is therefore considered that the proposed development would be acceptable in terms of the impact upon microclimate conditions surrounding the development and would not significantly impact on the pedestrian amenity on the site.

Transport

- 8.107 In consideration of national policy, PPG13 'Transport' seeks to integrate planning and transport from the national to local level. Its objectives include: promoting more sustainable transport choices; promoting accessibility using public transport, walking and cycling; and reducing the need for travel, especially by car. Both PPS1 'Delivering Sustainable Development' and PPS3 'Housing' seek to create sustainable developments.
- 8.108 London Plan Policy 6.3 seeks to ensure that new development does not adversely affect safety on the transport network. Policies 6.8, 6.9 and 6.10 seek to ensure that new developments make appropriate provision for cycles and the pedestrian environment. Policies 6.12 and 6.13 seek to ensure that new developments provide an appropriate level of car parking, whilst ensuring new developments result in a net benefit on road network capacity.
- 8.109 In respect of local policy, UDP saved policy T16 states that the consideration of planning applications will take into account the requirements of the proposed use and any impact posed. Policy T18 indicates that priority will be given to pedestrians in the management of roads and the design and layout of footways. Improvements to the pedestrian environment will be introduced and supported in accordance with Policy T19, including the retention and improvement of existing routes and where necessary, their replacement in new management schemes in accordance with Policy T21.
- 8.110 Having regard to the IPG, policy DEV17 states that all developments, except minor schemes, should be supported by a transport assessment. This should identify potential impacts, detail the schemes features, justify parking provision and identify measures to promote sustainable transport options. DEV18 requires a travel plan for all major development. DEV19 sets maximum parking levels. Policies SP08 and SP09 of the Core Strategy DPD (2010) seek to deliver an accessible, efficient and sustainable transport network. Policy DM20 seeks to achieve the same objectives as the Core Strategy and the IPG. Policy DM22 sets out maximum parking levels.
- 8.111 The Public Transport Accessibility Level is 4, and it is located in close proximity to Blackwall DLR, and short walking distances to All Saints, East India and Poplar DLR

Stations. There are several bus networks easily accessible from Poplar High Street.

- 8.112 The proposal includes a total of 98 car parking spaces, 11 of which will be for disabled parking use. 12 motorcycle parking spaces and a maximum 554 cycle parking spaces are also proposed for residents, employees and visitors.

Vehicular Parking

- 8.113 The proposed 98 spaces comply with the Council's maximum parking standards and this represents 0.22 spaces per unit. The spaces are located within the proposed semi-basement level and on street level. Within the basement, which is for residential use only, a total of 69 spaces are provided, of which 6 spaces are dedicated as disabled parking spaces and 12 spaces are dedicated to 4 and 5 bedroom affordable units. Further 12 motorcycle spaces are also provided within the basement level. Remaining car parking spaces are located on the street level located appropriate for both workspaces and residential uses. 20% of all car parking spaces will need to be provided for electric charging points with further 20% passive provision for future installation. An appropriately worded condition will be imposed to ensure that this provision is delivered.
- 8.114 It is therefore considered that the vehicular parking provisions would be in accordance with policies 6.9 and 6.13 of the London Plan. A s106 legal agreement should be entered into in order that the Traffic Management Order can be amended to exempt occupiers of this site from obtaining parking permits. This will ensure no overflow parking on the public highway.

Cycle Parking

- 8.115 The application proposes a total of 554 secure cycle parking spaces can be provided within the basement level and at street level. The cycle parking areas are separated into various locations within the site for different users of the site. This represents a provision in excess of 1 space per residential unit, 1 space per 250sq.m of workspace, and 1 space per 500sq.m for light industrial floor space. The proposed provision is compliant with Planning Standard 3: Parking and policy DEV16 of the IPG. Commercial cycle spaces are proposed at ground level.
- 8.116 In addition to the proposed number of cycle spaces, the applicant has initially included a land provision for 16 cycle docking stations for TfL's Cycle Hire Scheme. Through Stage 1 response from GLA, TfL made representations and have requested a provision for 30 spaces, and further contribution of £186,000 towards Cycle Hire Scheme. As explained earlier in the report, the proposal is subject to viability and is constraint in delivering affordable housing and financial contributions. Following further discussions with TfL it has now been agreed that TfL will be satisfied with 24 cycle docking spaces on site to be located within the central open space area. The proposal now provides an area for 24 docking stations within the site and this will be secured through a 106 agreement.

Servicing and Refuse Collection

Servicing

- 8.117 All servicing for the commercial units are proposed to take place on site as the proposal benefits from a perimeter type road and sufficient areas have been provided in front of light industrial units and entrance cores of relevant uses. There is sufficient provision for turning areas for larger vehicles within the site. The Council's Highways section is satisfied with this arrangement.

Residential Refuse

- 8.118 The scheme proposes the incorporation of a refuse storage space in appropriate locations

where it will be collected to be stored in a central collection area for the development. The location is suitable as it is accessible to all the residents and the travel distance to the storage areas is adequate. An appropriately worded condition will be proposed to ensure that suitable provision of recycling and waste can be accommodated on site.

Commercial Refuse

- 8.119 The waste storage for commercial is separated and the workspace benefits from its own collection point. Recycling and general waste bins would be provided and this will also be secured by condition to ensure it can be delivered.

Delivery service plan and construction logistics plan

- 8.120 TfL have requested the submission of a delivery service plan and a construction logistics plan. Should permission be granted, conditions which secure the submission of a Construction Management Plan and a Delivery and Service Plan would satisfy this request.

Transport Assessment

- 8.121 A full transport assessment has been submitted and it identifies a significant increase in car trips associated with the scheme. In addition, the proposal will also have significant increase in the number of pedestrian movements, from Blackwall DLR Station and Bus depots to the site. TfL however have stated that proposed vehicular trips generated by the proposed development is unlikely to have a significant impact on the operation of Transport London Road Network. In order to mitigate against the impact from the increased car trips and pedestrians, financial contributions have been secured towards improvements towards public transport (Buses), junction improvements to Preston Road roundabout and Poplar High Street. Therefore, it is considered that the proposed impacts to local transport network will be appropriately mitigated.

Energy Efficiency and Sustainability

- 8.122 At a national level, PPS22 and PPS1 encourage developments to incorporate renewable energy and to promote energy efficiency. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan 2011 and London Borough of Tower Hamlets Core Strategy (SO24 and SP11) collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.123 The London Plan 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).
- 8.124 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).
- 8.125 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, 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.
- 8.126 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).

- 8.127 Photovoltaic cells are proposed to provide a source of on site renewable energy (Be Green). The technologies employed would result in a 3% 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. The applicant has demonstrated that the proposed CO2 emission reduction through PV's (300m2 with a peak output of 30kWp) is the maximum that can be achieved from renewable energy technologies for the site. 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 28% reduction above Building Regulation requirements.
- 8.128 The anticipated 28% reduction in carbon emissions through energy efficiency measures, a CHP power 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 dated October 2011.
- 8.129 In terms of sustainability, London Borough of Tower Hamlets requires all new residential development to achieve a Code for Sustainable Homes Level 4 rating and 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 dated and Policy DEV 5 of the London Borough of Tower Hamlets Interim Planning Guidance which seek the highest standards of sustainable design and construction principles to be integrated into all future developments.
- 8.130 The applicant has submitted a Sustainability Statement that details how the development will achieve a Code for Sustainable Homes Level 4 rating for the residential elements and BREEAM Excellent ratings for all non-residential uses. It is recommended that the achievement of these ratings is secured through an appropriately worded Condition.

Other Planning Issues

Flooding

- 8.131 Planning Policy Statement 25 (PPS25) and Policy 5.12 of the London Plan (2011), Policy SP04 of LBTH Core Strategy (2010) relate to the need to consider flood risk at all stages in the planning process.
- 8.132 The application site lies within Flood Zone 4 designated by Planning Policy Statement 25 as having a high probability of flooding. The applicant has submitted Flood Risk Assessment. The Flood Risk Assessment demonstrates that the proposed development of the site is appropriate from the perspectives of flood risk and drainage. Environment Agency (EA) has reviewed the Flood Risk Assessment however, the EA have requested Emergency Flood Management Plan. The applicant has submitted Emergency Flood Management Plan and EA have advised that the details should be assessed by the Council. At the time of writing, the Emergency Flood Management Plan is being assessed and further comment is awaited from the Council's Emergency Planning Team. Further update will be detailed in the addendum report.

Biodiversity

- 8.133 There are no significant biodiversity issues on the site and therefore, no adverse impacts on biodiversity. The proposals include extensive brown roofs at a higher level which cannot be accessed by residents of the development. This will be a significant biodiversity enhancement, including providing foraging habitat for black redstarts. The proposal is considered to be acceptable by the Council's Biodiversity Officer.

Demolition & Construction

- 8.134 Some concerns have been raised in relation to the nuisance from construction works. The typical hours of work, which would be secured by condition would be 08:00 – 18:00 weekdays; 08:00 – 13:00 Saturdays; and no working on Sundays or bank holidays. This is also covered by Pollution Prevention and Control Act 1999 and therefore the hours are regulated.
- 8.135 In addition, the applicants agree to the provision of an Environmental Management Plan (EMP) to be secured by condition. This plan would cover various operational aspects of the development phase, including air quality, noise, dust and vibration, as well as monitoring of impacts. The EMP would be reviewed by the Environmental Health section, and allow the Council to work with the developer to ensure that impacts associated with the build are closely monitored.

Environmental Impact Assessment

- 8.136 The proposed development falls within the category of developments referred to in paragraph 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) regulations 2011.
- 8.137 As the proposal is likely to have significant effects on the environment, it is required to be subject to environmental impact assessment before planning permission is granted. Regulation 3 of the EIA Regulations precludes the grant of planning permission unless prior to doing so, the Council has taken the 'environmental information' into account. The environmental information comprises the applicant's Environmental Statement (ES), any further information submitted following request under Regulation 22 of the EIA Regulations, any other substantive information relating to the ES and provided by the applicant and any representations received from consultation bodies or duly made by any person about the environmental effects of the development.
- 8.138 The Council appointed consultants, Land Use Consultants (LUC) to examine the applicant's ES and to confirm whether it satisfied the requirements of the EIA Regulations. Following that exercise, LUC confirmed that whilst a Regulation 22 request was not required, further clarification was sought in respect of a number of issues.
- 8.139 Number of issues has been clarified and LUC conclude that the application is considered to meet the EIA Regulations and provide a satisfactory level of information to allow a proper assessment of the development proposals. The ES is considered to provide a comprehensive assessment of the environmental impacts of the proposed development.

Section 106 Agreement

- 8.140 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.

8.141 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.

8.142 Policies 8.2 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.

8.143 The Council has recently adopted a Supplementary Planning Document on Planning Obligations in January 2012. Planning obligations set out in policy SP13 of the adopted Core Strategy. Within the document, the standard obligations area set out under the following headings:

Key priorities are:

- Affordable Housing
- Employment, skills, training and enterprise
- Community facilities
- Education

In light of these and taking account of the viability of the scheme, LBTH Officers have identified the following contributions to mitigate against the impacts of the proposed development, which the applicant has agreed. The amounts to be secured have also been agreed with Planning Contribution Obligation Panel. As such, it is recommended that a S106 legal agreement secure the following Heads of Terms:

Affordable Housing

8.144 Delivery of 25% affordable housing (a total of 87 units of which 58 are at affordable rent and 29 intermediate) on the Site.

Employment, skills, training and enterprise

8.145 The Council will secure **£96,957** to support and/or provide the training and skills needs of local residents in accessing job opportunities at the end-phase of the proposed development.

8.146 In terms of non-financial obligations, the applicant has also been asked to use reasonable endeavours to ensure:

- 20% Local procurement at construction phase

This requirement would be captured in the S106 requiring the developer to include a 'local procurement clause' for their subcontracting supply chains. The developer would provide LBTH with a list detailing a package of works/trades, so that LBTH can match these requirements with appropriate suppliers within the Borough.

The Skillsmatch Service would also assist in local procurement through advertising upcoming contracts in the East London Business Place and facilitating an integrated

consultation event with a number of developers to enable them to meet with prospective local suppliers.

8.147 • 20% Local labour in construction phase

This requirement would also be captured in the S106 where by Tower Hamlets would provide a full job brokerage service. The Skillsmatch team would have access to a database of entry-level operatives, experienced trades people and site managers and the team would develop a complete skills solution based on the developer's labour requirements.

This can also include pre-employment training for local jobseekers (e.g. Construction Skills Certification Scheme (CSCS) cards, Traffic Marshall certificates, Plant training tickets and other accreditations).

Education

- 8.148 Increased residential development impacts on the demand for school places within the borough. Where there is a child yield output from a development, the Council would seek contributions towards additional primary and secondary school places across the borough. Financial contributions towards Education would be pooled in line with Circular 06/2005. This would allow expenditure on Education to be planned on a Borough wide basis to meet the Education need for its residents. Based on the Council's Draft Planning Obligations SPD, the proposal would result in the need for 44 additional primary places at £14,830 per place, and 16 additional secondary school places at £22,347 per place. In light of the viability of the scheme, it is considered to be prudent for primary places to be secured in this instance and accordingly, the total education financial contribution sought is **£652,520**.

Community Facilities

- 8.149 A contribution of **£108,799** will be secured towards provisions of additional leisure facilities as identified in the Core Strategy.

Health

- 8.150 This development is within Blackwall and Cubitt Town Ward. To accommodate the expected population growth from this and other developments in the locality, a new network service hub is being development at Newby Place. Given the viability of the scheme, a part contribution of **£136,000** is sought from the development to go towards the long lease or fit out costs for this development.

Public Realm Improvements

8.151 *Prestons Road Roundabout*

The 2011 Study commissioned by the Council showed proposed design and costs for a scheme to deliver at grade crossing, junction improvements, new pedestrian bridge and comprehensive public realm improvements to the subway at Prestons Road Roundabout. The cost estimated the scheme to be in the region of £2,500,000 which has been verified by LBTH Highways. Planning contributions are being pooled from other developments nearby to deliver the improvements to the Prestons Road Roundabout. A contribution of **£300,000** will be secured towards this improvements works.

8.152 *Poplar High Street*

The total estimated cost to improve pedestrian crossing, signalling and realign junctions to create a better environment at the junction of Poplar High Street and Cotton Street together with public realm improvements including level access, de-cluttering and traffic

controls are estimated at £675,000. Contributions are being sought from other developments nearby to fund the project and therefore a contribution of **£150,000** from proposed development is sought.

Public Transport (buses)

- 8.153 The proposed development is likely to generate additional demand on the local bus network, which is currently at capacity. TfL therefore request a contribution of **£270,000** over three years to provide an extra journey on one of the routes that serve the site in order to mitigate the impact on bus capacity.

Legible London

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

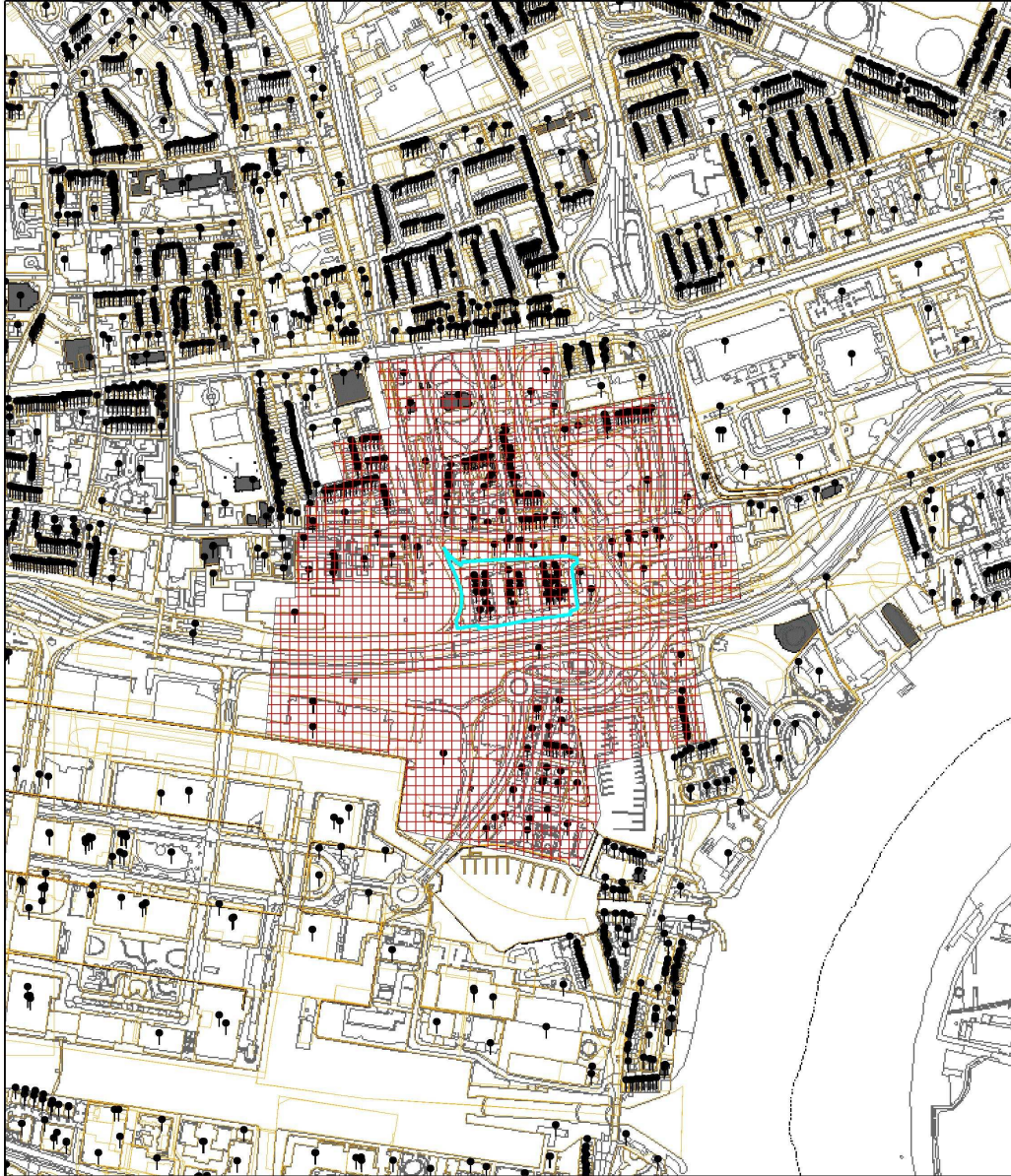
Total

- 8.155 A total financial contribution (including a monitoring fee of £34,585) of **£1,763,861** is therefore sought.

9 Conclusions

- 9.1 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 and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Planning Application
Site Map



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



This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. London Borough of Tower Hamlets 100019288, 2010.

This page is intentionally left blank