

LONDON BOROUGH OF TOWER HAMLETS

STRATEGIC DEVELOPMENT COMMITTEE

15th September 2011 at 7.00pm

UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

INDEX

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

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

1. CALL-IN REQUEST

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

2. APPLICATION DETAILS

Drawing Numbers

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

3 SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 3.1 Within the first bullet point at paragraph 3.1, there is a typographical error. Saved policy ART1 of the Unitary Development Plan (1998) is referred to, however this should not be included.
- 3.2 Within the second bullet point, reference is made to saved UDP policy DEV1. This is a typographical error and should not be included.
- 3.2 Within the third bullet point, reference is made to the Tower Conservation Area. This should also read that the proposal is considered to respect, preserve and enhance the character and setting of the nearby conservation areas, namely the Trinity Square Conservation Area and the nearby Crescent Conservation Area and the Fenchurch Street Conservation Area.
- 3.3 Accordingly, the first, second and third bullet points within the summary of material planning considerations are amended to read as follows:
- A hotel-led scheme will contribute to the strategic target for new hotel accommodation. It will complement the Central Activity Zone's role as a premier visitor destination and in this respect, will support London's world city status. The scheme therefore accords with policy 4.5 of the London Plan (2011), saved policies EMP3 and CAZ1 of the Council's Unitary Development Plan (1998), policies SP06 and SP12 of the Core Strategy Local Development

Framework (2010) and policies EE2 and CFR15 of the Council's Interim Planning Guidance (October 2007) which seek to promote tourism and hotel developments within the Central Activity Zone

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

4 RECOMMENDATION

Legal Agreement

- 4.1 Following the publication of the committee report, the Council's Employment and Enterprise team have reviewed their contribution request towards employment in the end-use phase in light of the publication of the draft Planning Obligations Supplementary Planning Document. Accordingly the contribution has been increased from £39,709 (as detailed at paragraph 4.1 of the committee report) to **£42,517**.
- 4.2 To clarify, within non-financial obligation h) at paragraph 4.1 of the published report, the applicant is required to undertake reasonable endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. Should the applicant fail to achieve this, a financial contribution of £30,533 would be payable to Skillsmatch to support and/or provide for training and skills needs of local residents in accessing new job opportunities in the construction phase of new developments. Similarly, within non-financial contribution i), should the applicant fail to provide 20% of the final employment opportunities to Tower Hamlets residents, then a contribution of £35,400 would be payable to the Council to deliver the training.
- 4.3 In light of the above, it should be noted that the financial contribution towards Employment and Enterprise should read as up to £108,450 in light of the increased end-use employment contribution request and dependence on whether the applicant provides the required training or employment during construction and end-use themselves. Accordingly, the total financial contribution sought is **up to £265,950**.
- 4.4 Members will note at paragraph 4.5 of the published report that the legal agreement is required to be completed by 1st November 2011. As the full details of the landscaping, public realm and step free access works are required by condition to be submitted and agreed in writing prior to commencement works and given the s106 agreement

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

Additional conditions

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

5 PROPOSAL AND LOCATION DETAILS

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

6 POLICY FRAMEWORK

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

7 CONSULTATION RESPONSES

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

English Heritage (statutory consultee)

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

Historic Royal Palaces (statutory consultee)

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

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

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

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

London Underground (statutory consultee)

- 7.4 London Underground have provided a letter of support for the scheme, dated 31st

August 2011. In particular, they state the following:

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

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

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

LBTH Highways & Transportation

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

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

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

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

LBTH Communities, Localities and Culture

- 7.6 For clarification, it should be noted that the requested financial contribution from CLC as detailed at paragraph 6.4 is not considered necessary to make the development acceptable in planning terms (as discussed at paragraph 8.92 of the published report), rather than being non-compliant.

8. LOCAL REPRESENTATION

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

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

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

8.4 In Support

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

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

8.5 In Objection

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

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

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

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

8.6 Procedural Issues

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

- The published report does not acknowledge the impact of the proposal upon the numerous nearby heritage assets (OFFICER COMMENT: Paragraph 9.35

of the published committee report states, inter alia, that it is considered that the proposal is acceptable in heritage and conservation terms, and would protect and enhance the setting of the numerous heritage assets within close proximity of the site. The listings themselves are set out at paragraph 5.9 of the published report)

- The writer considers that English Heritage's consultation response is erroneous with reference to the extant consent on site. (OFFICER COMMENT: Officers have not carried forward this particular view to Members in the recommendation. As detailed at paragraph 8.4 of the published committee report, the current application has been considered on its individual merits despite the implementation of the previous permission)
- The writer considers that the application should not have been validated as public notices were not advertised correctly (OFFICER COMMENT: Officers consider that the validation and advertisement in East End Life undertaken upon this application complies with the Town & Country Planning (General Development Procedure) Order 1995 and the Planning (Listed Buildings and Conservation Areas) Regulations 1990 in that East End Life is a local newspaper circulating in the locality in which the land is situated)

9. MATERIAL PLANNING CONSIDERATIONS

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

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

10. RECOMMENDATION

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

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

Financial Contributions

- a) Highways & Transportation: **£103,000**, comprising:
 - £3,000 towards monitoring the Travel Plan
 - £50,000 towards the Legible London wayfinding scheme
 - £50,000 towards the Cycle Hire Scheme
- b) Employment & Enterprise: Up to **£108,450** (see contributions h & i below) towards the training and development of unemployed residents in Tower Hamlets to access either:

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

Non-Financial Contributions

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

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

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

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

10.4 **Conditions**

- 1) Permission valid for 3 years;
- 2) Submission of details and samples of all materials;
- 3) Submission of details of lift overrun;
- 4) Submission of details of art wall;
- 5) Submission of hard and soft landscaping details;
- 6) Submission of details of highways works;
- 7) Contamination;
- 8) Construction Management and Logistics Plan;
- 9) Construction Environmental Management Plan;
- 10) Foul and surface water drainage;
- 11) Monitoring and protection of ground water;
- 12) Archaeology;

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

10.5 **Informatives**

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

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

Agenda Item number:	7.2
Reference number:	PA/10/2093
Location:	Tweed House
Proposal:	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.

1. APPLICATION DETAILS

Drawing numbers

1.1 The site plan drawing has been 2322-JW-005 Rev P04 to include details of ground floor communal amenity space and child playspace.

1.2 Disabled Parking Bay

This is shown as being 1 space on plan 2322-JW-005 (Site Layout Plan) located on site near the junction of Teviot Street and the A12 and not to the West of the site as stated in paragraph 8.97 of the report.. It will be necessary for this amendment to be reflected on plan 2322-JW-011 PO2 and an amended plan should be sought post committee resolution. Plan 2322-JW-011-P02 should be removed from the approved list of drawing numbers.

2.0 Section 106 contributions

2.1 Transport for London have requested a financial contribution of £2,700 to mitigate against the additional demand at Bromley by Bow Station. Officers consider that this remains compliant with CIL Regulations mentioned in para 8.117 of the main report.

(Officers comment: The above contribution would be secured in the S106 Agreement).

3.0 RECOMMENDATION

3.1 The recommendation remains unchanged subject to securing an additional £2, 700 towards Bromley by Bow Station. The financial contributions in the S106 would now be as follows:

- Affordable housing provision of 31% of the proposed habitable rooms comprising of 100% social 'target' rented units
- £217,000- towards education facilities
- £63,000 towards community facilities
- £100,974 towards health care facilities
- £40,000 towards off site child playspace
- £3,000 towards Travel Plan monitoring
- £2, 700 towards Bromley by Bow Station

The total amount of financial contributions sought is £426, 674