

Committee: Strategic Development	Date: 5 th July 2012	Classification: Unrestricted	Agenda Item No: 8.3
Report of: Director of Development and Renewal		Title: Update on Planning Appeal Progress	
Case Officer: Richard Murrell		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
Applicant:	CitizenM Hotels
Ownership:	Various, including London Underground Ltd, TfL, Historic Royal Palaces, The Corporation of London, Tower Hill Improvement Trust, DEFRA and EDF

2. PURPOSE

- 2.1 The purpose of this report is to update members of the Strategic Development Committee on the progress of this appeal.

3. RECOMMENDATION

- 3.1 The Committee is requested to note the contents of the report and is not required to make a decision.

4. BACKGROUND

- 4.1 On 8th March 2012 the Council refused planning permission for the above-mentioned development. In-line with the resolution made by Members at

Strategic Development Committee on 1st March 2012, the decision notice specified three reasons for refusal:-

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) 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. 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 with policies 7.10, 7.11 and 7.12 of the London Plan (2011) and 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 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), policy DEV17 of the Council's Interim Planning Guidance (October 2007) and policies DM20, DM21 and DM22 of the draft Managing Development DPD (Proposed Submission Version January 2012)

4.2 The Applicant has lodged an appeal against the decision of the Council. The Appeal will be dealt with by way of a Public Inquiry. The Inquiry will take place in the Council chamber and will commence at 10.00am on 18th September 2012.

4.3 Copies of any representations already made in relation to the application have been sent to the Planning Inspectorate. Any further comments need to be sent directly to the Planning Inspectorate by 12th July 2012.

5. PROGRESS OF APPEAL

5.1 The Council is in the process of preparing its case to defend the appeal. As part of this process the Council has sought expert advice in relation to each of the

reasons for refusal. This advice included a review of matters relating to design and protected views, which was carried out by planning consultants at Nathaniel Lichfield and Partners. The Council also appointed transport consultants at Steer Davies Gleave to give advice on issues around site servicing and highway safety.

- 5.2 The Director of Development and Renewal has reviewed this advice and has concluded that the Local Planning Authority cannot substantiate the 2nd and 3rd reasons given for refusing the planning permission and to maintain such reasons is highly likely to expose the Council to an award of costs. The Planning Authority has therefore written to the main appeal parties stating that it will not be presenting evidence to defend these reasons at the appeal.
- 5.3 This approach follows the guidance given at paragraph A28 of Circular 03/09 'Costs and Awards in Appeals and other Planning Proceedings' which states that 'parties should be willing to accept the possibility that a view taken in the past can no longer be supported and act accordingly at the earliest opportunity'.
- 5.4 The same advice also concluded that the Council had good grounds to defend the first reason for refusal. The Council will submit its Statement of Case, which will outline the main arguments that will be advanced in defence of this reason to the Planning Inspectorate by the appeal timetable deadline of 9th July 2012. The appeal will be robustly defended by officers and Committee members are invited to attend the Inquiry commencing on 18th September 2012.