

APPENDIX 2

Background information

A2. BACKGROUND INFORMATION

INTRODUCTION

- 2.1. This appendix provides an overview of the current management and maintenance arrangements, statutory designations, planning policy context and management plans relevant to the development of the strategy. Statutory designations and national, regional and local planning policy are examined and summarised, followed by an analysis of the WHS Management Plan and its relevance to this strategy. A summary of key issues arising from this assessment and review is provided at the end of the appendix.

CURRENT MANAGEMENT AND MAINTENANCE ARRANGEMENTS

- 2.2. Management of the Tower of London landscape is overseen by the HRP Gardens and Estates Team. Day to day landscape maintenance is carried out by a contractor who has a permanent base on the site within Tower Gardens.
- 2.3. The inspection of trees and any subsequent tree works are currently carried out by the same company which is providing both the arboricultural consultant role and arboricultural team who carry out the tree works. This arrangement could lead to a conflict of interest through the over specifying of tree works that may not be necessary. Careful consideration of this arrangement should be undertaken to ensure that the tree strategy is implemented effectively and other approaches should be considered e.g. the appointment of an independent arboricultural consultant to carry out inspections and instruct tree works as appropriate.

STATUTORY DESIGNATIONS

- 2.4. The designations affecting the Tower of London are identified in Figure 2.1 in the main report.

World Heritage Site

- 2.5. World Heritage Sites (WHS) are not currently statutory designations within the UK and so there are no further statutory planning controls that arise from WHS designation. However, national statutory protection of the Tower of London WHS is achieved through it also being scheduled as a monument. As such, works to the Tower and its surroundings require scheduled monument consent from the Secretary of State for Culture, Media and Sport (DCMS), who is advised by English Heritage. Historic Royal Palaces, the body responsible for the management of the Tower of London WHS, has 'Crown Immunity' from such provisions, but in practice follows the same procedure as other applicants, receiving 'Clearance' rather than 'Consent' to undertake works¹.

¹ The Tower of London World Heritage Site Management Map, 2007

- 2.6. Furthermore, many of the Tower of London buildings and structures are also included within the statutory list of buildings of special architectural or historical interest; however, the procedure for authorising works is the overarching regulatory measure. Additionally, many elements of the local setting of the Tower are also scheduled or listed, including Tower Hill. National planning policy guidance requires regional and local planning authorities to consider the significance of WHS as a material consideration in planning policies and development control functions, as stated below in Para 2.11.

Conservation Area

- 2.7. Conservation Area designation recognises the importance of groups of historic buildings and their surroundings, including areas of special architectural or historic interest. Local planning authorities have the power to designate conservation areas and are required to use their planning powers to preserve and enhance the character and/or appearance of such areas. The whole of the Tower of London WHS sits within the Tower Conservation Area of the London Borough of Tower Hamlets, with a number of other conservation areas within close proximity to the Tower. As of June 2007, the City of London Tower Conservation Area has been replaced by the Trinity Square and Crescent Conservation Areas.

Listed Buildings

- 2.8. Listed buildings, buildings and structures of special architectural or historic importance, receive statutory protection and are classified in Grades I, II* and II according to their importance. Many of the buildings within the Tower of London Conservation Area are listed and are secured by national planning policy guidance, which favours the preservation of such buildings, as stated below in Para 2.11.

PLANNING POLICY

National

Planning Policy Statement (PPS) 1: Delivering Sustainable Development (ODPM, 2005)

- 2.9. PPS1 supports the protection and enhancement of the quality of urban areas, and states that planning policies should facilitate sustainable urban development by protecting and enhancing the natural and historic environment. As such, PPS1 encourages development plan policies to provide a high level of protection to the most valued townscapes, with those that have national and international designations to receive the highest level of protection. Additionally, PPS1 states that the preservation and enhancement of built and archaeological heritage should be taken into account in development plan policies.

Planning Policy Guidance (PPG) 15: Planning and the Historic Environment (DCLG, 1994)

- 2.10. PPG15 supports the preservation and enhancement of historic buildings, conservation areas and other elements of the historic environment, and states that planning

authorities should take full account of the protection of the historic environment in the formulation of planning policies and in development control. Policy guidance within PPG15 corresponds with the Planning (Listed Buildings and Conservation Areas) Act 1990, which provides specific protection for buildings and areas of special architectural or historic interest.

- 2.11. PPG15 identifies a policy presumption in favour of the preservation of listed buildings based upon the legal requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, in addition to the need to protect conservation areas and WHS and their settings from damaging development. As such, PPG15 considers the importance of conservation areas and WHSs as a key material consideration to be taken into account by local planning authorities in determining planning and listed building consent applications.
- 2.12. PPG15 also states, in line with the Act, that local planning authorities have the power to protect trees in the interest of amenity by issuing tree preservation orders. Within Conservation Areas most trees are subject to tree preservation orders, however, where there are trees within conservation areas that are not covered by a tree preservation order the Act makes special provision to safeguard their protection. As such, any person proposing to cut down, top or lop a tree within a conservation area is required to provide six weeks notice to the local planning authority to provide the authority with an opportunity to bring the tree under a tree preservation order.

Planning Policy Guidance (PPG) 16: Archaeology and Planning (DCLG, 1990)

- 2.13. PPG16 supports the preservation of archaeological remains on land by setting out policy guidance on the handling of archaeological remains through the development plan system and the weight given to them in planning decisions and conditions. As such, PPG16 states a presumption in favour of the preservation of scheduled monuments and a presumption against any development proposals that could potentially have a significant impact on their setting.

'Heritage for the 21st Century' White Paper (DCMS, 2007)

- 2.14. The White Paper sets out the government's proposals to improve the heritage protection system and its coordination with the spatial planning system. The proposals within the White Paper are based upon three core principles:
 - The need to develop a unified approach to the historic environment.
 - Maximise opportunities for inclusion and involvement.
 - Support sustainable communities by putting the historic environment at the heart of an effective planning system.
- 2.15. Proposals also seek to strengthen the protection of WHS through the introduction of specific notification and call-in requirements for significant development affecting WHS, in addition to the updating of planning policy to strengthen the consideration of WHS within the spatial planning system. To achieve this, the White Paper proposes a withdrawal of rights to undertake permitted development in WHS, which will provide WHS with the same protection as National Parks.

Regional

The London Plan (GLA, 2004)

- 2.16. The Spatial Strategy for Greater London, the London Plan, has a number of policies that relate to the preservation and enhancement of WHS and other statutory designations. Policy 4B.13 states that development plan documents (DPDs) and management plans for WHS should contain policies that safeguard their historic significance and enhance their settings. Further alterations to the London Plan incorporate guidance in PPG15 by stating that the Mayor, and the Boroughs, need to give appropriate weight to WHS management plans when considering planning applications.
- 2.17. Policies 4.B2 and 4.B15 promote the importance of the Tower in London's townscape by designating the Townscape View from City Hall to the Tower of London and the River Prospect downstream from London Bridge as strategically important views. Furthermore, the Tower is identified as a Strategically Important Landmark within both of these views. Policy 4.B16 expands upon this by stating that the Mayor will prepare and review management plans for views designated under policy 4.B15. As such, these plans should:
- Reflect the benefits of the views, helping to promote an appreciation of London at the strategic level and to identify landmark buildings.
 - Seek to enhance the view and viewing place in terms of access and the ability to understand the view.
 - Prevent undue damage to the view either by blocking, or unacceptably imposing on, a landmark or by creating an intrusive element in the view's foreground or middle ground.
 - Protect backgrounds that give a context to landmarks. In some cases, the immediate background to landmarks will require safeguarding to ensure the structure can be appropriately appreciated.
 - Be based on an understanding of its foreground, middle ground and background, landmark elements and the relative importance of each to the view in its entirety.
- 2.18. Policy 4B.17 also states that the Mayor and the London Boroughs should refuse development within the landmark viewing corridors above threshold heights, as identified in Policy 4B.16. Development should also be refused within landmark background and lateral assessment areas where development fails to preserve or enhance the ability to recognise landmark buildings.
- 2.19. Policies 4B.8 and 4B.9 provide guidance on the location, design and impact of tall buildings in London by stating II requirements for large-scale buildings. This includes meeting the requirements of the View Protection Framework, as stated in Policy 4B.15, in addition to requirements for large buildings to be suited to their wider context in terms of their relationship to other buildings, streets, public and private open spaces, waterways or other townscape elements.

The London View Management Framework Supplementary Planning Guidance (SPG) (GLA, 2007)

- 2.20. The London View Management Framework (LVMF) SPG expands upon policy in the London Plan by providing detailed view management plans for the 26 strategic views designated in Policy 4B.15 in the London Plan.
- 2.21. With regards to the Tower of London, Management Plan 25, Townscape View: City Hall to Tower of London identifies the viewing point east of City Hall and opposite Traitor's Gate to provide the greatest depiction of the ensemble of buildings, and that the clear view of the sky in the backdrop of White Tower from City Hall is an important element of this view. A Direction that requires local planning authorities to consult the Mayor, English Heritage, CABE, neighbouring London Boroughs and the Historic Royal Palaces regarding planning applications that affect the viewing corridor or background assessment area was issued by the Government Office for London on July 13th, 2007.
- 2.22. Furthermore, the management plan for the river prospect view from London Bridge (view 11B) highlights the importance of the setting of the Tower of London within this view, and that development in the background of the Tower must not detract from the ability to see and appreciate the strategically important landmark.

Local

- 2.23. The Tower of London is located within the London Borough of Tower Hamlets and is bordered by the City of London to its north and east, and the London Borough of Southwark to the south.

Tower Hamlets UDP & Core Strategy and Development Control Plan (LBTH, 2007)

- 2.24. The London Borough of Tower Hamlets UDP is currently the statutory local plan, however the Core Strategy and other related LDF documents are well advanced in the adoption process. As such, the Core Strategy and Development Control Plan acts as interim planning guidance alongside the UDP and the London Plan.
- 2.25. Schedule 15 of the Core Strategy identifies the view of the Tower from City Hall and downstream from London Bridge as Strategic Views, corresponding with the London Plan. Additionally, Schedule 16 identifies less specifically defined views of the Tower as being valuable to the local community within the Borough. This is supported by Policy CP50, which states that the Council will seek to protect and enhance regionally and locally important views, including London panoramas, linear views, river prospects and townscape views.
- 2.26. Conservation Policy 5: Protection and Management of Important Views of the Core Strategy provides specific guidance for the management of development affecting Strategic Views, stating that development is required to:
 - preserve or enhance the community's ability to recognise and appreciate landmarks;

- maintain, and where possible enhance, public access to identified viewpoints;
 - prevent adverse impacts on Strategic Views; and
 - prevent adverse impacts on important local views, by ensuring:
 1. important local views are not obstructed or detracted from, including ensuring the street level setting of local landmarks is protected; and
 2. impacts that detract from the background setting of local landmarks, including the marring of views against the skyline, are avoided.
- 2.27. Policy CP48 of the Core Strategy supports the clustering of tall buildings in the Aldgate area, the northern part of the Isle of Dogs and at Canary Wharf. This policy also states that proposals for tall buildings must not have an adverse impact on important views, including strategic London-wide views, as well as their settings and backdrops. Furthermore, proposals for tall buildings must not have an adverse impact on Conservation Areas, Listed Buildings, WHS, Scheduled Monuments, historic areas and their settings.
- 2.28. The need to protect statutory designations and their settings is supported by Policy CP49: Historic Environment, which seeks to protect and enhance the historic environment of the Borough, including the setting and character of WHS, Conservation Areas, Listed Buildings (statutory) and Scheduled Ancient Monuments.

City of London Unitary Development Plan (City of London, 2002)

- 2.29. One of the key strategic aims of the UDP, Strategic Policy 10D, is to ‘achieve an appropriate setting and backdrop to the Tower of London World Heritage Site’. This is supported by Policy ENV2, which seeks to protect or enhance significant views of buildings, townscape and skylines by concentrating tall buildings into limited locations within the City. Policy ENV3 expands upon this by stating that ‘some sites will not be appropriate for high buildings if an unsatisfactory visual relationship to the setting of the Tower of London WHS, or other important landmarks, cannot be avoided’.
- 2.30. As the area surrounding the WHS within the City’s boundary is a Conservation Area, the setting of the Tower is viewed as a significant consideration when determining development proposals within the area. As such, the aim of Policy ENV24 is to preserve and enhance the setting of the Tower of London WHS.

City of London LDF Core Strategy Preferred Options

- 2.31. To adhere to the Planning Compulsory Purchase Act and Planning Policy Statement 12 (PPS12) the City of London are required to replace the existing Local Development Plan by producing a Local Development Framework (LDF). The City of London are currently in the process of undertaking a series of consultations and the results of this are being compiled to develop a Core Strategy for the LDF.
- 2.32. One of the key spatial objectives for the LDF is to enhance the City’s distinctive townscape, skyline and views whilst respecting the setting of key landmarks such as

the Tower of London. With this in mind, the following spatial policies in the Core Strategy Preferred Options are relevant to achieving this objective:

Preferred Option 10: Tall Buildings encourages tall buildings on suitable sites located within a main cluster in the east of the City and to the north, taking into account the historic heritage, listed buildings and conservation areas whose views and settings need to be protected.

Preferred Option 12: Protected Views reasserts current UDP policy on the protection and enhancement of significant views of buildings, townscape and skylines of the City of London to provide an appropriate degree of protection for significant views without restricting the capacity of the City to provide additional floorspace.

The Southwark Plan (LBS, 2007)

- 2.33. The Southwark Plan, formerly the Unitary Development Plan, is the overarching framework for land use and development within the Borough of Southwark, and identifies a number of strategic policies of relevance to the strategy. Of these strategic policies, Strategic Policy 13: Design and Heritage states that all development should be of a high standard of design and should preserve or enhance the character and appearance of the historic environment.
- 2.34. Policy 3.18 – Setting of Listed Buildings, Conservation Areas and World Heritage Sites expands upon SPI3 by stating that the Council will not grant permission for any development that would not preserve or enhance both the setting of Conservation Areas and WHS and important views of or from conservation areas and WHS. Policy 3.20 – Tall Buildings highlights the need for tall buildings to relate positively to their surroundings and the London skyline as a whole, taking account of the need for tall buildings to be situated outside landmark viewing corridors.
- 2.35. The London Borough of Southwark is currently in the process of developing their Local Development Framework, which will eventually replace the Southwark Plan over the period to 2008.

TOWER OF LONDON WHS MANAGEMENT PLAN (2007)

- 2.36. The purpose of the Plan is to provide a policy framework for the long-term decision-making on the conservation and management of the Tower of London WHS. The Plan covers both the physical preservation of the Tower and the protection and enhancement of the visual and environmental character of its setting. As such, the Plan contains management objectives alongside a prioritised programme of action for the next five years. The current Plan incorporates existing sources of information used for the previous Plan, including the 'Tower within the Moat' and 'Approaching the Tower' Conservation Plans, prepared in 1999, to ensure continuity of approach.
- 2.37. The WHS Management Plan is a material consideration in planning decisions affecting the Tower of London WHS or its setting, as stated in PPG15 and Policy 4B.13 of the Further Alterations to the London Plan. As such, the Plan should influence preparation and implementation of local authorities' emerging LDF documents, notably the Core Strategy and Development Control Policies.

Managing the Local Setting of the Tower

- 2.38. In terms of managing the local setting of the Tower, the key objective of the Plan is to act in partnership with the statutory authorities to safeguard and enhance the local setting of the Tower by:
- sustaining, and where possible revealing and reinforcing, the significance of historic assets, and in particular the outstanding universal value of the World Heritage Site;
 - promoting high standards of design and execution, appropriate to context, in the redevelopment of surrounding modern buildings and investment in the public realm;
 - seeking ways to mitigate the impact of major roads, particularly the A100; and
 - seeking ways to improve pedestrians' experience of the local setting of the Tower.
- 2.39. A number of actions have been established in order to achieve this objective:
- Action 3.1:** Work with all concerned, and in particular the planning authorities and English Heritage, to produce a coordinated approach to management of the public realm in the 'local setting' of the Tower of London as defined in this Plan.
- Action 3.2:** Work with all concerned, and in particular the planning authorities and English Heritage, to develop a design guide for the public realm.
- Action 3.3:** All interested parties will collaborate to assess the feasibility of preparing an assessment of the local setting by December 2008.
- 2.40. This tree strategy will need to consider the statement of Outstanding Universal Value of the WHS to ensure that it guides the vision and policies which are developed. Due to the heritage significance of the Tower it is clear that all relevant stakeholders, including English Heritage and the London Borough of Tower Hamlets should be consulted as part of the strategy preparation.

The Built Environment

- 2.41. With regards to the built environment, the Plan makes reference to a number of surrounding buildings dominating the Tower's local setting and how they have been designed to make good use of framed views of the both the Tower and Tower Bridge. Such buildings include More London to the south of the Thames and Tower Place and International House to the north. As such, the WHS Management Plan emphasises the need to have particular consideration to the design, layout and materials of buildings defining the local setting of the Tower in order to provide an appropriate setting for the Tower, other heritage assets and the backdrop to open spaces.
- 2.42. Any development proposals for landscaping with trees needs to consider any potential impacts on surrounding buildings that define the Tower's local setting to ensure that framed views of the Tower are not affected by the planting of trees.

Public Realm

- 2.43. The Plan makes reference to the high-quality public realm surrounding the ‘arena’ around the Tower, notably More London and Tower Hill. The Plan states that the principle of a high-quality public realm should be applied to other parts of the local setting, particularly the north of the Tower. This should include the continued use of natural stones and other appropriate materials in addition to distinctive lighting and street furniture in high quality landscaping to bring coherence to the local setting of the Tower. The Plan also states that close co-ordination is required with statutory undertakers to ensure an integrated and sensitive approach to essential works and activities in and around the Tower.
- 2.44. Effective landscaping through the maintenance of existing trees, and/or the planting of new trees, can positively contribute to the quality of the public realm surrounding the Tower, and has the potential to improve significant views of the Tower within the local and wider setting.

Character Areas within the Local Setting

- 2.45. There are a number of areas surrounding the Tower that reflect the differing character of the WHS and the buildings forming the boundary of the local setting as it currently exists. The Plan sets out key considerations and general guidelines for the identified character areas within the local setting of the Tower that would need to be considered for any proposed development. Character areas identified in the Plan are:
- Thames to Great Tower Street
 - Great Tower Street to Cooper’s Row
 - Tower Gateway
 - The Royal Mint
 - St Katherine’s Dock
 - Tower Bridge and Butler’s Wharf
 - Potter’s Field
 - More London
 - The south bank of the Thames to London Bridge
- 2.46. Of particular relevance to this tree strategy are the Character Areas at Potter’s Field and More London. The description of Potter’s Field identifies canopies of mature London plane trees planted along the wharf and on the south lawn that obscure significant views of the Tower during the summer months. These trees also obscure views of the Tower from More London/City Hall, which is identified as a strategic view in the London Plan. As such, the impact of these trees on views of the Tower from Character Areas in the local setting should be taken into account when developing management policies as part of this strategy.

Influencing the Wider Setting of the Tower

- 2.47. In terms of managing the wider setting of the Tower, the key objective of the WHS Management Plan is to *'act in partnership with statutory authorities to ensure that the wider setting of the Tower is adequately managed to ensure that the outstanding universal value of the Tower is sustained'*. As such, the Plan states that new development must give consideration to potential impacts on the silhouette and scale of the Tower, as views of and from the Tower may be sensitive to the impact of new development if visible in the background of the Tower.
- 2.48. In addition to London View Management Framework Townscape View 25: City Hall to Tower of London from Queen's Walk, the Plan identifies a number of other significant views that influence the wider setting of the Tower. As such, the Plan states that any proposed development in and around the wider setting of the Tower must take account of the following views:
- Serial views from the Thames and the Thames footpath (Queen's Walk)
 - Serial views from Tower Bridge
 - Framed views along streets opening into the local setting
 - The historic approach to the Tower down Tower Hill
 - Views out from the Inner Ward

Conserving the Tower's Buildings and Setting

- 2.49. In order to effectively maintain and conserve the Tower, the objective of the WHS Management Plan is to *'understand the significance of the Tower's buildings and collections and conserve them to the highest standards, in accordance with the guidelines of the international conservation community'*. Of particular relevance to this strategy are conservation policies within the Plan that involve maintaining the landscape of the Tower.
- 2.50. Objective 6 of the Plan identifies the need to implement a strategy of tree-planting to recognise historic patterns, preserve archaeology and enhance views of the Tower. This objective is supported by previous research on the status of trees in the landscape of the Tower. A Tower of London Tree Strategy, produced by Land Use Consultants in 1996, and a report on the 'Landscape Maintenance at the Tower of London' both stressed the importance of trees as part of the existing fabric of the monument and visitor experience of the Tower. As such, any major developments in the landscaping of trees at the Tower needs to be considered in light of the identified importance of trees within the setting of the WHS.

KEY ISSUES

- 2.51. In light of this context the tree strategy will need to consider the following issues:
- The need to review the current approach to tree management and maintenance, particularly in terms of separating those responsible for the tree inspections and

instructing of works from those who carry out the works in order that the best advice and value is obtained.

- The designations present at the Tower of London include the WHS status, Conservation Area status, the Scheduled Monument and listed buildings. These designations have implications on any proposals to remove, manage or plant trees at the Tower which will need to be built into the strategy.
- The designated views and their protection by local and regional planning policy making particular reference to view 25: City Hall to Tower of London and IIB: River Prospect View from London Bridge.
- The need to consult with all relevant stakeholders as part of the strategy preparation process.
- The implications of issues identified by the Tower of London WHS Management Plan e.g. mature trees on the South Lawn area and along the Wharf which obscure important views.

