

**LONDON BOROUGH OF TOWER HAMLETS**

**STRATEGIC DEVELOPMENT COMMITTEE**

**23<sup>rd</sup> April 2015**

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**UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL**

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<b>Agenda item no</b>	<b>Reference no</b>	<b>Location</b>	<b>Proposal / Title</b>
5.1	PA/14/01246	Enterprise Business Park, 2 Millharbour, London	<p>The erection of seven mixed-use buildings—A, B1, B2, B3, C, D and E (a 'link' building situated between block B1 and D)—ranging in height from 8 to 42 storeys.</p> <p>New buildings to comprise: 901 residential units (Class C3); 1,104 sqm (GIA) of ground-floor mixed-use (Use Class B1/ A1/ A2/ A3/ A4/ D1); a 1,049 sqm (GEA) 'leisure box' (Use Class D2); plant and storage accommodation, including a single basement to provide vehicle and cycle parking, servicing and plant areas; new vehicle and pedestrian accesses and new public amenity spaces and landscaping.</p>

<b>Agenda Item number:</b>	5.1
<b>Reference number:</b>	PA/14/01246
<b>Location:</b>	Enterprise Business Park, 2 Millharbour, London
<b>Proposal:</b>	<p>The erection of seven mixed-use buildings—A, B1, B2, B3, C, D and E (a 'link' building situated between block B1 and D)—ranging in height from 8 to 42 storeys.</p> <p>New buildings to comprise: 901 residential units (Class C3); 1,104 sqm (GIA) of ground-floor mixed-use (Use Class B1/ A1/ A2/ A3/ A4/ D1); a 1,049 sqm (GEA) 'leisure box' (Use Class D2); plant and storage accommodation, including a single basement to provide vehicle and cycle parking, servicing and plant areas; new vehicle and pedestrian accesses and new public amenity spaces and landscaping.</p>

## 1.0 ADDITIONAL REPRESENTATIONS

1.1 Since the publication of the deferral report, a further representation has been received from a local resident. The issues raised are summarised below:

1. The scheme presented to committee is considered a 'fresh report' and as such, speaking rights should be allowed.
2. This application must be considered in context and is premature. It should be decided in context of the South Quay Masterplan and the Opportunity Area Planning Framework expected in the coming months.
3. New pedestrian bridge/PTAL. The existing bridge is at capacity and should not be used as justification for the PTAL of the site being 4 as opposed to 3. As the new bridge is not guaranteed it must not be taken into account in assessing the application and until the new bridge is delivered the impact on South Quay DLR would be unacceptable.

1.2 In response to the above points, referring back to the minutes of the previous committee the application was deferred to enable officers to prepare a supplementary report to a future meeting of the Committee, setting out proposed reasons for refusal, any amendments to overcome members concerns and the implications of the decision.

1.3 In response to the second point the National Planning Policy Framework States that:

*“arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:*

*a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and*

*b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.*

*Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.*

- 1.4 In relation to a) we have an up to date and robust Policy framework within which to make decisions. This includes the NPPF, The London Plan (with revisions 2015) our Core Strategy 2010 and our Managing Development DPD 2013 and therefore we are not in a position where the applications recommended for approval would undermine an emerging Local Plan or Neighbourhood Plan. The emerging South Quay Masterplan is not a Local Plan nor is it a Neighbourhood Plan, but is instead intended to be guidance that supports the interpretation and implementation of the Local Plan. It will not replace adopted Development Plan policies.
- 1.5 In relation to b) the SQ Masterplan is not a Local Plan document – it is intended to be a supplementary planning document, providing additional guidance to adopted local plan policies. The consultation on the document has closed and the Council is currently summarising the responses. It remains the case, full weight cannot be given to this document as it is yet to be adopted.
- 1.6 Furthermore, the Local Planning Authority has a duty to determine applications for planning permission submitted to it, in line with the provisions of the development plan and taking into account any other material considerations. I would draw your attention to national guidance in the NPPG which says “local planning authority should make a decision on the proposal as quickly as possible, and in any event within the statutory time limit unless a longer period is agreed in writing with the applicant.” and “Where a valid application has not been determined within the relevant statutory period (or such other period as has been agreed in writing between the local planning authority and the applicant), the applicant has a right to appeal to the Secretary of State against non-determination”.
- 1.7 Lastly, as previously outlined PTAL considers ‘accessibility’ levels not ‘capacity’. Furthermore, officers from the Councils Transportation and Highways Team and Transport for London have confirmed in writing that the existing footbridge should be taken into account and as such, the PTAL rating should be increased to level 4, as considered within the committee report. This matter is covered further within the update report to the committee of 12<sup>th</sup> March. The impact on the DLR.
- 1.8 It is also noted that PTAL considers the walking times to public transport and frequency of service. It does not consider the destinations that are available from the public transport connections. Officers remain of the view that this part of the borough is extremely well connected to central London to be able to consider the level of development considered within this application.

## **2.0 Corrections to drawings**

- 2.1 T2\_(10)S010 P2 should read T2\_(10)S10 P1,  
T2\_(10)P100 P1 should read T2\_(10)P100 P1  
T2\_C20P00 should read T2\_C20P00 P1

T2\_D(20)PXX\_1A should read T2\_D(20)PXX\_1A P1,  
T2\_D(20)PXX\_2A should read T2\_D(20)PXX\_2A P1,  
T2\_D(20)PXX\_INT should read T2\_D(20)PXX\_INT P1,  
T2\_D(20)P00 02 should read T2\_D(20)P00 02 P1,  
T2\_C(20)PXX\_2 should read T2\_C(20)PXX\_2 P1,  
T2\_C(20)PXX\_3 should read T2\_C(20)PXX\_3 P1,  
T2\_C(20)DE01 should read T2\_C(20)DE01 P1,

### **3.0 RECOMMENDATION**

- 3.1 Officers' original recommendation to GRANT planning permission for the proposal as set out in the report to the Development Committee remains unchanged.