

<b>Committee:</b> Development	<b>Date:</b> 11 March 2015	<b>Classification:</b> Unrestricted	<b>Agenda Item:</b>
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Full Planning Permission Application	
<b>Case Officer:</b> Brett McAllister		<b>Ref No:</b> PA/14/02753 (Full Planning Permission & PA/14/02754 (Listed Building Consent)	
		<b>Ward:</b> Island Gardens	

## 1.0 APPLICATION DETAILS

- 1.1 **Location:** The Forge, 397 & 411 Westferry Road, London, E14 3AE
- 1.2 **Existing Use:** Vacant Warehouse permitted for business use (Use Class B1).
- 1.3 **Proposal:** Full Planning Permission and Listed Building Consent for:
- Change of use of part of The Forge from business use (Use Class B1) to convenience retail food store (Use Class A1) with gross internal floor area of 394m<sup>2</sup> and net sales area (gross internal) of 277m<sup>2</sup>;
  - Change of use of a separate unit of The Forge (Use Class B1) to interchangeable uses for either or financial and professional services, restaurants and cafes, drinking establishments, office, non-residential institutions (nursery, clinic, art gallery, or museum), or assembly and leisure (gym), namely change of use to uses classes A2, A3, A4, B1a, D1 and D2 with gross internal floor area 275.71m<sup>2</sup>;
  - The remainder of the ground floor would be for office use split into 3 units (Use Class B1a)
  - 297.17m<sup>2</sup> GFA of new floor space created at 1st floor level (internally) for office use, split into 3 units (Use Class B1a)
  - Internal and external changes and maintenance to the Forge to facilitate the change of use to retail convenience store including new customer access to the north west elevation, internal partitions, works to the roof to facilitate new plant equipment and satellite dish; making good to walls (internal and external), maintenance to internal cranes and general building maintenance;

- 1.4 **Documents:** Planning Statement (including Statement of Community Involvement) by GL Hearn (September 2014)  
Retail Statement by GL Hearn (October 2014)  
Design and Access Statement by Archer Architects ref. A4731-PL-DAS-# (01.10.2014)  
Marketing Report by Cherryman (undated)  
Transport Statement by VCL2 (August 2014)  
Heritage Statement by KMHeritage (June 2013)  
Addendum to Heritage Statement by KMHeritage (June 2013)  
Environmental Noise Assessment by Sharps Redmore (23.07.2014)  
Flood Risk Assessment by Cannon Consulting Engineers ref. CCE/L791/FRA (May 2013)
- 1.5 **Drawing Nos:** GLH/J029438/100 (2013)  
4731(P)310 (29.01.2013)  
4731(P)311 Rev. C (01.12.2013)  
4731(P)312 (29.01.2013)  
4731(P)313 (29.01.2013)  
4731(P)314 (29.01.2013)  
4731(P)315 (29.01.2013)  
4731(P)316 (29.01.2013)  
4731(P)317 (29.01.2013)
- 1.6 **Applicant:** The Forge Investment Properties LLP
- 1.7 **Owner:** Same as applicant
- 1.8 **Historic Building:** Grade II Listed.
- 1.9 **Conservation Area:** Chapel House Conservation Areas

## 2. EXECUTIVE SUMMARY

- 2.1 The main issue addressed in this report is whether the proposed change of use is acceptable in terms of land use including whether its impact on the designated Westferry Road Neighbourhood Centre (WRN centre) is acceptable.
- 2.2 In addition to this, there are two other main issues: whether the works required to facilitate the development are acceptable in relation to the sites designation as a Grade II listed building and whether the proposed impacts of the development are acceptable in relation to the amenity of neighbouring residents.
- 2.3 Having considered all Development Plan policies, the proposed land uses are and its associated impacts are acceptable in this instance, and the proposal is recommended for approval.
- 2.4 The proposed works to the Listed Building are considered to preserve the special character and appearance of the Grade II listed building and the Chapel House Conservation Area, in accordance with policy SP10 of the adopted CS, policy DM27 of the MDD and the NPPF which seeks to bring heritage assets back into use and ensure any harm is weighed against the benefits of the work.

### **3. RECOMMENDATION**

3.1 That the Committee resolve to grant planning permission subject to the following planning conditions:

- 3.2
1. Time Limit.
  2. Completion in accordance with approved drawings.
  3. All materials/ finishes to match existing unless specified on submitted drawings.
  4. Hours of Operation
  5. Delivery/Servicing Hours
  6. Use specific Servicing Management Plan for all units
  7. Relocation parking bay/loading bay in place prior to any development on site
  8. Cycle Parking
  9. Highway Improvements
  10. Controlling condition for future extraction
  11. Site management plan (including details of employee facilities in house, cases stored in back of house area)
  13. Details of glazed screen, new structural opening, fixings of heating and ventilating equipment
  14. Relocation of bus shelter, camera and on street parking spaces

That the Committee resolve to grant Listed Building Consent subject to conditions relating to:

1. Time limit
2. Completion in accordance with approved plans
3. Details of all new structural openings
4. Details of external fenestration details (doors and windows)
5. Details of connections to historic fabric
6. Details of internal glazed screens
7. Details of fixings of heating and ventilation equipment
8. Details of roof plant enclosure screen
9. Details of internal finishes to existing structure
10. Method statement relating to construction of mezzanine floor
11. Method statement relating to construction of rooftop plant platform
12. Samples of all materials
13. Brick sample panels
14. Analysis and publication of the existing historic buildings record

Along with relevant passive conditions ensuring compliance, informatives etc.

### **4. PROPOSAL AND LOCATION DETAILS**

#### **4.1 Proposal**

4.2 The applicant seeks full planning permission to subdivide the Grade II listed warehouse known as The Forge at ground floor and create additional floorspace at a newly created internal first floor level (mezzanine level).

4.2 At ground floor, the vast majority of the north western half of the building, fronting Westferry Road, would comprise a 394m<sup>2</sup> retail unit (Use Class A1).

The south eastern half would comprise a separate unit of 275.71m<sup>2</sup>, also fronting

Westferry Road, with flexible uses for either/or financial and professional services, restaurants and cafés, drinking establishments, office, non-residential institutions (nursery, clinic, art gallery, or museum), or assembly and leisure (gym) (Use Classes A2, A3, A4, B1a, D1 and D2);

- 4.3 At the north eastern end of the building, fronting the Forge Square, three separate office units would be created at ground floor level and additional floor space would be created on the first floor mezzanine level to accommodate a further three office units.
- 4.4 The proposal involves various internal and external changes and maintenance to The Forge to facilitate the change of use.
- 4.5 Externally these include the formation of a new customer access at the western corner on the side elevation; the formation of an access to the rear offices in the centre of the existing glass curtain walling towards the eastern corner on the side elevation; installation of platform on the roof to facilitate new plant equipment and satellite dish; the relocation of the wall, pier and gate on the north western side of the front elevation; the removal of a section of the wall, pier and gate on the south eastern side; making good to walls and the provision of cycle parking.
- 4.6 Internally the changes include internal partitions and the construction of mezzanine level to create an additional floor level internally, maintenance to internal cranes and general building maintenance. Listed building consent is also sought for the works to the Forge.
- 4.7 The proposal would be serviced from the northern side of Westferry Road directly in front of The Forge via a new loading bay.

## **5 Site and Surrounds**

- 5.1 The application site, The Forge at 397 & 411 Westferry Road is located on the northern side of Westferry Road.
- 5.2 The Forge is a Grade II listed warehouse building, due to it being the last remaining mid-19<sup>th</sup> century iron shipbuilder's forge in London, outside the royal dockyards. The site is also located within the Chapel House Conservation Area.
- 5.3 The Forge forms a central building within a recent housing development called Forge Square which surrounds the application site on three sides with The Forge's front elevation bounding Westferry Road. The Forge Square development comprises residential blocks of 5, 6 and 7 storeys. There is access into the Forge Square from Harbinger Road with an access road and car parking running along the rear of the Forge.
- 5.4 The site is located 128 metres from the nearest designated town centre Westferry Road Neighbourhood Centre.
- 5.5 The Forge has been vacant since it was refurbished in 2007 as part of planning ref. PA/05/01626 and then the subsequent application ref. PA/07/01912 to make alterations during the course of construction.

## 6 Planning History

### 6.1 The Forge Square Development

PA/05/01626

Demolition of existing buildings and redevelopment for mixed use purposes comprising 190 residential units and 282 sq m of Class B1 (Business) use, with the change of use of the forge building from general industry to Class B1 (Business) use, car parking (96 spaces) and hard and soft landscaping.

Approved on 16/04/2007

### 6.2 PA/07/01912

Alterations during course of construction to the development permitted on 16th April 2007 (Ref. PA/05/1626) for demolition of existing buildings and redevelopment by 190 residential units and 282 sq m of Class B1 (Business) use with the change of use of the forge from general industry to Class B1 (Business) use together with car parking and hard and soft landscaping. (Alterations to windows, doors and gates, revised car and cycle parking arrangements, the provision of lift overruns and the erection of an electricity sub-station).

Approved on 04/01/2008

The following change of use applications relate to units developed as part of the above applications.

### 6.3 Unit 3, Building C, 399 Westferry Road E14

PA/11/00980

Change of use from office (Use Class B1) to office/retail/financial and professional services/community use (Use Classes B1/A1/A2/D1).

Approved on 06/07/2011

### 6.4 Unit 1, 2 Harbinger Road E14 3AA

PA/11/00981

Change of use from office (Use Class B1) to office/retail/financial and professional services/community use (Use Classes B1/A1/A2/D1).

Approved on 14/10/2011

### 6.5 The Forge, 397 & 411 Westferry Road

PA/13/01642

Change of use of part of The Forge from office (Use Class B1) to convenience retail food store (Use Class A1), - Change of use of the remainder of The Forge (use class B1) to interchangeable uses for either or shops (not convenience shops), financial and professional services, restaurants and cafes, drinking establishments, business, non-residential institutions (nursery, clinic, art gallery, or museum), or assembly and leisure (gym), namely change of use to uses classes A1, A2, A3, A4, B1 (a), D1 and D2; - 297.17 sqm GFA of new floor space created at 1st floor level for business (Use Class B1(a), - and internal and external changes and maintenance to facilitate the change of use to retail convenience store including new customer access to the north elevation, internal partitions, works to the roof to facilitate new plant equipment and satellite dish; making good to walls (internal and external), maintenance to internal cranes and general building maintenance; and reconfiguration of car parking to the rear and; - Demolition of external walls to facilitate access.

Refused: 02.10.2014

6.6 PA/13/01643

Listed Building Consent sought for internal and external changes including new customer access to the north elevation, internal partitions, works to the roof to facilitate new plant equipment and satellite dish; making good to walls, maintenance to internal cranes and general building maintenance; and reconfiguration of car parking to the rear. Proposal also includes demolition of external walls to facilitate access and rebuilding of one wall, repositioning of lighting column, and cycle parking.

No further action following refusal of concurrent application above.

## 7. POLICY FRAMEWORK

7.1 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.

7.2 **Government Planning Policy Guidance/Statements:**

- National Planning Policy Framework (2012) (NPPF)
  - Section 2 – Ensuring the Vitality of Town Centres
  - Section 7 – Requiring Good Design
  - Section 12 – Conserving and Enhancing the Historic Environment
- National Planning Policy Guidance (2014) (NPPG)

7.3 **Spatial Development Strategy for Greater London (2011) (LP):**

- 4.7 - Retail and Town Centre Development
- 7.15 - Reducing Noise and Enhancing Soundscapes
- 7.4 – Local Character
- 7.8 – Heritage Assets and Archaeology

7.4 **Core Strategy Development Plan Document 2025 (2010)(CS):**

- SP01 - Refocusing on Town Centres
- SP03 - Creating Healthy and Liveable Neighbourhoods
- SP10 - Creating Distinct and Durable Places

7.5 **Managing Development Document (2013)(MDD):**

- DM1 - Development within Town Centre Hierarchy
- DM2 - Local shops
- DM15 - Local job Creation and Investment
- DM24 - Place Sensitive Design
- DM25 – Amenity
- DM27 – Heritage and the Historic Environment

7.6 **Supplementary Planning Guidance:**

Chapel House Conservation Area Appraisal

## 8. CONSULTATION

8.1 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

The following were consulted regarding the application:

## 8.2 LBTH Transport & Highways

- The relocation of the parking bays is acceptable subject to the applicant meeting the costs of all works and traffic orders required.
- Without relocation of the parking bays and creation of a loading bay on Westferry Road outside the proposed A1 unit, the servicing of the site would not be acceptable to Highways. As such, a condition to the effect that the development cannot commence without full agreement of all stakeholders needed to allow the relocation to take place should be attached to any permission.
- A service management plan must be submitted prior to occupation of the retail unit. This must include information of the maximum size of vehicles used for deliveries and a commitment from any occupier for loading to take place outside of school peak times.
- Highways have observed at similar food stores cages obstructing the footway. The applicant is asked to describe the measures that will put in place to minimise this occurring. We note the access to the west of store to the 'back of house' area would be appropriate for storing cages.
- Highways are satisfied that the applicant has demonstrated the proposed uses at the development will not cause an unacceptable impact on the highway resulting from the additional car trips it will generate.
- The cycle parking is acceptable.

(Officer comment: *the impact of the proposal on highways matters is discussed within the material planning considerations section of this report*)

## 8.3 LBTH Environmental Health – Noise and Vibration

- It is accepted that the applicants Noise assessment report offers mitigation to meet requirements of BS4142 min 10dB(A) below lowest records L90 background noise measurement.
- There is the presumption that good design is complied with under BS8233, as it is important to realise that where there is mixed commercial/residential, commercial plant is not intrusive to future occupants, with low frequency noise controls so noisy venues are not audible at the nearest residential as relevant.
- Please provide the raw data for the hours of operation which needs to include a Calibration Certificate for the noise monitoring equipment used, to show that extractor/mechanical plant complies with BS4142 10dB below lowest background noise levels at the nearest noise sensitive residential premises.
- Restaurants, cafes etc. where extractor/mechanical units are used need to provide measures for odour/smell nuisance need to show mitigation measures to minimise the likelihood of complaints.
- If there will be any licensable premises, under the terms of the Licensing Framework, Hours of operation are till 11.30pm Monday to Thursday, Midnight on Fridays and Saturdays and 10.30pm on Sundays
- Commercial deliveries to be undertaken between 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, no Sundays or Bank Holidays.

(Officer comment: *the impact of the proposal on amenity/environmental health is discussed within the material planning considerations section of this report*)

#### 8.4 **LBTH Waste Policy & Development**

Initial comments were as follows:

- Please note that the ground floor plans do not show the location of the waste storage facility - this should be shown.
- Residential waste and commercial waste are not permitted to be stored in the same bin store. Could the applicant detail where the waste will be collected from and how many recycling and refuse bins are proposed for the commercial unit/s?

*(Officer comment: in response the applicant provided an amended plan and further clarification:*

- *An amended ground floor plan received (Reference: 4731(P)311 Rev. C dated 01.12.2014) which indicated the location of a bin store with ample room for the units it would serve.*
- *The bin store would be for the office space at ground and 1<sup>st</sup> floor and the interchangeable commercial unit rather than the convenience store. The offices and other larger commercial unit would have access to this bin store and the store would then be emptied by an agreed contractor via the access into the site off Harbinger Road.*
- *The A1 (convenience store) unit would have its own bin store in their own back of house area and their bins are emptied / rubbish taken away on their own delivery vehicles which is a general business practice.*

*Following the submission of the amended plan and above information the Waste Policy team had no objections to the proposals.)*

#### 8.5 **LBTH Access**

Following receipt of the following information the Access Officer had no objection to the proposal:

- the ground floor (retail / commercial and office space) is fully accessible to all and has a level threshold (with appropriately designed ramps that accord with DDA compliance) and wide and bi-parting doors to the front either side of the building and internally into the retail unit to allow the delivery of goods and accessibility for customers.
- the offices at 1<sup>st</sup> floor do not have a lift access due to the design and layout of the building. Given the grade II listed status of the building the implications of the intervention to historic fabric of the building would be to its detriment. The design of a specialist lift would render 1<sup>st</sup> floor office space to be unviable and thus not to maximise the potential space in the building.

*(Officer comment: It is considered that the constraints of the building, limits full accessibility requirements, and therefore in this instance and on balance the limitation of access to the first floor mezzanine level is acceptable.)*

#### 8.5

#### **LBTH Design & Conservation**

A Council Conservation Officer made the following comments:

*"The Forge is an important Grade II listed industrial structure. The Heritage Statement , submitted with the report sets out the complex history of the*



building. The relevant list description states that 'This is the only surviving mid-19<sup>th</sup> century iron shipbuilders' forge in London, and possibly England, outside the Royal dockyards'.

Extensive works to the building were undertaken several years ago but the building has remained vacant. The applicants state that the proposed subdivision of the large space is necessary in order to secure a use for the building.

Overall the changes to the fabric are considered acceptable in listed building terms however I would request that additional glazed areas are incorporated within the central division so that the full height of the double columns can be better appreciated in internal views within the building. Should the proposal be approved it is important that relevant conditions are attached with regard to details including the glazed screen, details of the new structural opening to accommodate the proposed new entrance and details of fixings with regard to heating and ventilating equipment."

(Officer comment: the impact of the proposal on design and conservation is discussed within the material planning considerations section of this report)

8.6

#### **Environment Agency**

No objection to the proposed development.

(Officer comment: the impact of the proposal on flood risk is discussed within the material planning considerations section of this report)

#### 8.7 **Greater London Industrial Archaeology Society (GLIAS)**

Objected for the following reasons:

- Visualisations misleading, give optimistic impression
- Subdivision will be awkward and concealing
- No extra room has been provided for the associated requirements of the possible uses of the interchangeable unit, i.e. kitchen, bar. These will further obscure the buildings valuable features
- Spatial qualities would be destroyed by the subdivision
- The subdivision would make it much harder to see how the building was laid out originally and how it operated
- Aesthetic qualities of the building will also be damaged
- Once subdivision has occurred it will be very difficult to reverse

Additional points in letter objecting to PA/13/01642 and PA/13/01643 which the above objection refers to.

- Nationally rare forge
- The building has numerous distinctive special features
- Practically the last undivided heavy engineering workshop in London
- Interior is of outstanding character; great to experience within an undivided space
- The rear offices will reduce the length of the interior and crowd the arcade
- Shelves will make it difficult to appreciate features within the supermarket

(Officer comment: this objection is discussed fully within the design and conservation section of this report)

## 8.8 Transport for London (TfL)

- Cycle parking should be provided in line with the Further Alterations to the London Plan (FALP).
- Due to scale and location, TfL deem the proposal to have no adverse effect on the road network.

(Officer comment: *the impact of the proposal on highways is discussed within the material planning considerations section of this report*)

## 9. LOCAL REPRESENTATION

9.1 A total of 326 neighbouring addresses were consulted by letter, a site notice was posted and the application was published in the East End Life. 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:	89	Objecting: 67
		Supporting: 22
No of petitions received:	1 objecting containing 815 signatories	

### 9.2 Representations Objecting

The following issues were raised in objection to the proposal and they are addressed in the next section of this report:

9.3 Principle of the store within the listed building

(Officer comment: *the impacts of the proposal on land use and conservation matters are discussed within the material planning considerations section of this report*)

9.4 Already too many Tescos/other supermarkets within the Isle of Dogs

9.5 National supermarket chain like Tesco unwelcome

9.6 Sufficient provision already along Westferry Road with local shops and Crossharbour ASDA

(Officer comment: *the planning system simply considers the proposed use(s). It does not differentiate between different retailers or consider a wider over-concentration of a particular retailer within a geographical area.*)

9.7 Better to encourage types of shops that the area lacks

(Officer comment: *The suggestion for the site to be better used for shops that the area lacks is noted. However, the application is assessed based on the uses proposed within this application and it is not for the local planning authority to impose an alternative use on a site owner*)

9.8 Adverse impact on the local shopping parade

9.9 The closure of the post office would impact elderly and disabled residents disproportionately

(Officer comment: *the impacts of the proposal on the nearby Westferry Road Neighbourhood Centre are discussed within the material planning considerations*)

*section of this report)*

- 9.10 Some of the broad range of uses for the flexible unit not suitable for the area i.e. restaurant, pub, betting office

*(Officer comment: the impacts of each of the proposed uses for the flexible unit are discussed within the material planning considerations section of this report)*

- 9.11 property values would go down

*(Officer comment: the effect on property value is not a material planning consideration.)*

- 9.12 Design and Conservation

- 9.13 Inappropriate development on the listed building

- 9.14 Would like to see building preserved as it is

*(Officer comment: The impact of the proposal on the listed building is discussed within the material planning considerations section of this report)*

- 9.15 Would discourage tourists

*(Officer comment: The impact of the proposal on the listed building is discussed within the material planning considerations section of this report)*

- 9.16 Addition bin storage unsightly

*(Officer comment: The waste and refuse arrangements of the proposal are discussed within the material planning considerations section of this report)*

- 9.17 Amenity/Environmental Health

- 9.18 Increased noise from

- Bins/Cages
- Extraction system
- Customers
- Deliveries

*(Officer comment: The full noise impacts of the proposal are discussed within the material planning considerations section of this report)*

- 9.19 Increased air pollution/smells

*(Officer comment: The impact of the proposal on potential air pollution/smells is discussed within the material planning considerations section of this report)*

- 9.20 Increased litter

*(Officer comment: Whilst the planning system can control the use of the land, it cannot control the behaviour of the users of the building/land)*

- 9.21 Opening hours too long

*(Officer comment: the opening hours would be further restricted through planning condition and this is detailed in the material planning considerations section of this report)*

- 9.22 Increase in vehicular traffic and its impact on:  
safety for children attending Harbinger School  
traffic congestion  
cycle safety  
public transport  
parking stress  
Construction work would also increase traffic

(Officer comment: *The impacts of the proposal on traffic levels are discussed within the material planning considerations section of this report*)

- 9.23 Increase in waste and refuse within the area  
Use of residents bins

(Officer comment: *The waste and refuse arrangements of the proposal are discussed within the material planning considerations section of this report*)

- 9.24 Lack of parking and space for deliveries to serve the Tesco

(Officer comment: *parking and delivery arrangements of the proposal are discussed within the material planning considerations section of this report*)

- 9.25 Security/Crime  
Increased anti-social behaviour/crime  
Reduced security from:  
Workers associated with the proposed uses being allowed access to the gated Forge Square development  
Forge Square estate land being used by workers for cigarette/lunch breaks  
worse customer service at Tesco

(Officer comment: *Security impacts of the proposal from workers using the Forge Square development are discussed within the material planning considerations section of this report. In addition, there is no evidence to suggest that putting uses back into a building would increase security and crime.*)

- 9.26 Representations in Support

- 9.27 The following issues were raised in support of the proposal and they are addressed in the next section of this report:

- 9.28 Create jobs  
Meet a local need for a convenience store in the area  
Provide greater choice  
Additional retail provision required for a growing population  
Provide use for a longstanding vacant building

(Officer comment: *the impact of the proposal on land use matters is discussed within the material planning considerations section of this report*)

- 9.29 Respects special architecture and heritage of listed building  
Enliven street scene

(Officer comment: *The impact of the proposal on the listed building and character of the area is discussed within the material planning considerations section of this*

report)

- 9.30 Reduced travel times and journeys for local residents

(Officer comment: *highways matters is discussed within the material planning considerations section of this report*)

- 9.31 Late opening hours and security guard onsite would improve security in the area

(Officer comment: *the impact of the proposal on security matters is discussed within the material planning considerations section of this report*)

## 10. MATERIAL PLANNING CONSIDERATIONS

- 10.1 The main planning issues raised by the application that must be considered are:

- 10.2
1. Land Use
  2. Design and Heritage
  3. Amenity Impacts
  4. Highways Impacts

### 10.3 Land Use

#### 10.4 Loss of Employment Floorspace

- 10.5 The permitted use of the existing building is as one single business unit (Use Class B1) but the building has been vacant since converting to this use class in 2007 from general industry (Use Class B2). As mentioned in the description of development the proposal seeks to change the use of a substantial amount of the ground floor to uses other than business with the creation of two units, one of which would be for retail (Use Class A1) and the other a range of flexible uses including office use (Use Classes A2, A3, A4, B1a, D1 and D2). The rear of the unit would remain as office use and the space created at first floor mezzanine level would provide additional office space. Despite this additional office space created at first floor there is a potential net loss of office space of 372.5m<sup>2</sup>. The loss would be 96.79m<sup>2</sup> should the interchangeable unit be used as B1a.

- 10.6 The development plan policies relevant to the loss of employment floorspace are Policy SP06 of the CS and policy DM15 of the MDD.

- 10.7 Policy SP06 of the adopted CS, seeks to support the provision of a range and mix of employment uses and spaces in the borough, by retaining, promoting and encouraging flexible workspaces in town centre, edge-of-town centre and main street locations and also encouraging and retaining the provision of units (of approximately 250m<sup>2</sup> or less) suitable for small and medium enterprises.

- 10.8 Policy DM15 in the Managing Development Document, states that development should not result in the loss of active and viable employment uses, unless it can be shown, through a marketing exercise, that the site has been actively marketed (for approximately 12 months) or that the site is unsuitable for continued employment use due to its location, viability, accessibility, size and condition.

- 10.9 In support of the application a Marketing Report by Cherryman was submitted. This was the same report that was submitted in 2013 for application with Council's ref. PA/13/1642 but confirmed that there is no change to their findings. The report

confirms that Cherryman have been marketing the Forge building since 2007.

- 10.10 According to the report, the marketing included signage, marketing banners, marketing details circulated to the local market via various estate agents and the Estate Agents Clearing House. The marketing led to a “very limited” amount of interest and no clients for the application site. The report states that in the 12 months prior to writing of the report there were just three viewings.
- 10.11 The report states that the lack of interest is due to the following factors:
- The unit being too large or too far off pitch from Canary Wharf
  - Limited passing trade
  - Too far for staff to travel
  - Too awkward for staff/customers to get to and ;
  - Insufficient other commercial ancillary activity due to residential location.
- 10.12 As stated within the planning history, units A and C were granted a change of use in 2011 from use class B1 to flexible uses within B1/A1/A2/D1. The lack of demand for office floorspace within this location was considered acceptable in 2011 within those applications. Officers are also satisfied in this case that the property has been actively marketed since 2007 and that the B1 use is not viable in its present state on site. The fact that the building has remained empty since 2007 provides satisfactory confirmation that the B1 use in its current format is not viable at this location. Given that the proposal re-provides some B1(a) floor spaces which would be more complementary in the current market together with its marketing evidence supporting the application, the loss of the current B1 use is considered to comply with policy DM15 in the MDD.
- 10.13 Provision of A1 Unit
- 10.14 The applicant seeks to create two units at ground floor, one retail unit (Use Class A1) and one unit with a range of flexible uses (A2/A3/A4/B1a/D1/D2); the details of which have been set out in the *Proposal* section of this report.
- 10.15 In the following sections the provision of the both of these units will be assessed against the relevant policy tests, starting with the provision of the retail unit.
- 10.16 The relevant areas of policy and guidance to the provision of the retail unit are SP01 of the CS, DM2 of the MDD, Section 2 and some relevant definitions in the glossary of the NPPF and the NPPG.
- 10.17 Policy SP01 of the CS sets out the town centre hierarchy and seeks to promote development that is consistent with the scale and role of town centres. It wishes to maintain, focus and increase the supply of town centre activity and retail floorspace across the borough to meet identified demand and support town centres as vibrant economic hubs. In addition to this, policy SP01 seeks to promote areas outside, and at the edge of town centres, as places that support and assist in the creation of sustainable communities. This is proposed to be achieved by:
- promoting mixed use development at the edge of town centres and along main streets to support town centres;
  - promoting areas outside of town centres for primarily residential uses as well as other supporting uses that are local in nature and scale.

- 10.18 Policy DM2(2) seeks to support development of local shops outside town centres where there is a
- demonstrable local need that cannot be met within an existing town centre;
  - they are of an appropriate scale to their locality;
  - they do not affect the amenity or detract from the character of the area;
  - and they do not form part of, or encourage, a concentration of uses that would undermine nearby town centres.
- 10.19 The accompanying text for policy DM2 advises at paragraph 2.3 that:
- 10.20 *2.3 Part (2) seeks to manage the risk of larger retail shops coming forward outside of designated centres. This could not only threaten the vitality and viability of the borough's town centres but could also have a negative impact on existing local shops (often local independent businesses) which are serving the needs of the local community. The introduction of larger shops may also be unsuitable to the local area in terms of size and the activity they may generate, for example with regards to congestion, parking and noise. For the purposes of part (2) of this policy, a shop which is local in nature is considered to have a gross floorspace of no more than 100 sqm (which is the equivalent of two small shop units). In assessing the need for new local shops the Council will take into consideration vacancy rates in nearby town centres.*
- 10.21 The boundaries of designated town centres across the borough are identified within the MDD. The application site is outside a town centre with the nearest being WRN centre, 128 metres north west of the site along Westferry Road (Nos. 361-375).
- 10.22 Section 2 of the NPPF seeks to promote the positive management and growth of competitive town centres. The importance of their sustained viability and vitality, and their provision of customer choice and a diverse retail offer is put forward in paragraph 23 of the NPPF. It also states that the needs for town centre uses such as retail must be met in full and should not be compromised by limited site availability. Appropriate edge of centre sites for main town centre uses should be allocated where they are well connected to the town centre and suitable and viable town centre sites are not available.
- 10.23 Edge of centre is defined in the glossary of the NPPF as: "for retail purposes, a location that is well connected and up to 300 metres of the primary shopping area." At 128 metres away from WRN centre positioned along the same main road, the site is considered to be an edge of centre location.
- 10.24 Paragraphs 24-27 outline the requirement for Local Planning Authorities to apply a sequential test to proposals for town centre uses outside of town centres. This requires applications for main town centre uses, such as retail, to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals it is advised that preference should be given to accessible sites that are well connected to the town centre. It is also advised that flexibility on issues such as format and scale should be demonstrated.
- 10.25 An impact assessment is required by the NPPF for main town centre use development outside of town centres if the floorspace is over a proportionate locally set threshold. It is considered that this threshold for Tower Hamlets is set in

the supporting text of Policy DM2 at 100m<sup>2</sup> and the applicant has duly provided an impact assessment contained in the submitted Retail Statement. The NPPF states that this assessment should include:

- 10.26 - the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- 10.27 - the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made.
- 10.28 The NPPF requires an application to be refused if an application fails to satisfy the sequential test or is likely to lead to significant adverse impacts.
- 10.29 The NPPG provides guidance on carrying out the sequential test and the impact test. It places the obligation on the applicant to demonstrate compliance with both of these tests.
- 10.30 From this policy context there emerges 3 key policy tests:
  - 10.31 1) The requirement to demonstrate **need** and an appropriate **scale** (DM2(2)a and b respectively)
  - 10.32 2) The requirement to apply the **sequential test** (Section 2 of the NPPF, DM2 of the MDD)
  - 10.33 3) The requirement to assess the **impact** of the development and demonstrate that it will not result in significant adverse impacts (Section 2 of the NPPF, DM2 of the MDD).
- 10.34 As mentioned above, the applicant submitted a Retail Statement (RS) in support of the application which seeks to demonstrate compliance with the above tests. The Council has commissioned Peter Brett Associates (PBA review) to independently review the Retail Statement on behalf of Tower Hamlets. The PBA review has concluded the following.
- 10.35 *Demonstrating Need and Appropriate Scale*
- 10.36 The applicant has carried out an assessment of the need, drawing on the Council's Retail and Leisure Capacity Study 2010 (which formed the evidence base document for Core Strategy and Managing Development Document) and assessed the need within the 500m catchment area. The Council's 2010 Study identifies the application site as being located in Zone 1 (which includes the Isle of Dogs and parts of Poplar) and estimates that by 2017 there will be a requirement for 2,053m<sup>2</sup> of additional convenience floorspace for this area.
- 10.37 It is considered that the applicant's needs assessment based on the 500m catchment study area is appropriate for the scale of retail floorspace proposed. The applicant identifies that at present only 37.95% of top-up food expenditure is retained in the catchment area and that additional local convenience facilities are therefore required. PBA calculated that the proposed retail store would result in the catchment area retaining 81.5% of top-up food expenditure therefore concludes that there is sufficient capacity in the study catchment area to support a second convenience store of 280m<sup>2</sup> (net) at Westferry Road. Therefore, in respect of Policy DM2 it is considered that the proposal satisfactorily justifies a need for additional local convenience facilities in the locality, and therefore the proposal could encourage more sustainable shopping patterns.



- 10.38 With regards to scale of the proposal, the applicant states that the proposal is unlikely to draw residents from other areas that would travel past an alternative equivalent or larger convenience store in order to visit the application site due to proposed size and role of the convenience store as a top-up food shopping.
- 10.39 Given the net floor area proposed, it is considered that the scale of the proposed development is suitable for its location on the edge of Westferry Road Neighbourhood Centre and the PBA review agrees that the proposal would predominantly draw trade from the local catchment area and that residents from different areas would be unlikely to travel to this store.
- 10.40 The matter of whether this need and scale of the proposal could be met within an existing centre is assessed through the sequential assessment.
- 10.41 *The Sequential Test*
- 10.42 The applicant has explained that the 280m<sup>2</sup> is the maximum net sales area which would be attractive to any local convenience operator and therefore the assessment has been limited to sites that could accommodate a store of at least approximately 400m<sup>2</sup> gross to provide for sufficient back of house space. In addition the search for sequential sites is based on the 500m catchment area of the proposed store since it is intended to meet local needs for top-up food shopping around Westferry Road. Westferry Road Neighbourhood Centre is the only defined centre located within the 500m catchment.
- 10.43 The applicant's sequential assessment of Westferry Road Neighbourhood Centre, concludes that there are no sequential sites in the centre which are either suitable or available to accommodate the proposed retail unit.
- 10.44 This centre contains five units which were all occupied at the time at the time of writing, and therefore it was considered that the application site to be the most preferable sequential site that is within the edge of town centre location (i.e. within 300m from the nearest town centre). The sequential assessment concludes that the application site is the most preferable site and would contribute to the mix of units in the centre and therefore assist in creating a vibrant centre in line with Policy SP01.
- 10.45 The PBA review also concluded that the applicant's sequential test has been met for the site and the application site represents the most preferable location. With regards to MDD Policy DM2, officers agree with the PBA's conclusion that the sequential test has proved that the identified need cannot be met within an existing town centre.
- 10.46 Impact
- 10.47 As mentioned above, an impact assessment is required by the NPPF for main town centre use development outside of town centres if the floorspace is over a proportionate locally set threshold of 100m<sup>2</sup>. The two criteria set out in the NPPF for an impact assessment are the impact on investment and the impact on vitality and viability in relation to designated centres in the surrounding area of the proposal. If it is found that there will be a significant adverse impact on one or both of these then the application should be refused.
- 10.48 In terms of investment, the applicant's RS concludes that the proposals will not

have an adverse impact on the WRN centre or any other surrounding centres as there have not been any identified potential investment at Westferry Road or any other surrounding centre.

- 10.49 In terms of the impact on the vitality and viability of centres in the surrounding area the applicant states that the proposed food store will be sufficient to meet daily top-up food shopping needs for residents and supplement the existing convenience units in the local area.
- 10.50 In addition it is has been considered that the trade draw from larger stores within nearby larger centres (such as ASDA and Waitrose) would be minor meaning that the proposal would not have a significantly adverse impact on the Crossharbour and Canary Wharf designated centres.
- 10.51 The West Quays News store which has 88m<sup>2</sup> of floor space, located on 317-373 Westferry Road is the only convenience store located in the Westferry Road Neighbourhood Centre and hence is the only store afforded protection under the NPPF. The level of trade diversion from this store is assumed to be low because it only stocks a limited range of essential convenience items and would therefore sell a limited number of overlapping product ranges compared with the proposed store.
- 10.52 The PBA review considers that rather than trade being diverted from the larger food stores in Crossharbour and Canary Wharf, this same amount of trade would be diverted from a much wider range of convenience stores across Zone1 as the application store is for convenience and top up shopping, so it would not only be taking trade from large stores associated with main weekly food shops. Locally, the PBA review agrees that no more than 20% of trade would be diverted from existing local convenience shops. Taking into account the limited convenience offer at present it is considered that there would only be a partial amount of overlapping product ranges with the existing stores.
- 10.53 Overall it is considered that the estimated turnover of the store and that the level of trade diverted from existing stores will not have a significant adverse impact on any designated centres in the surrounding area and this view was also concluded in the PBA review.
- 10.54 In conclusion, a robust justification for the proposed retail unit against the relevant policy tests have been provided and assessed. The sequential and impact tests of the NPPF have been satisfied. In line with policy DM2 of the MDD it has been established that there is a local need that cannot be met within a town centre and that the retail unit is of an appropriate scale within the edge of town centre location. Rather than encouraging a concentration of uses that would undermine the viability the WRN centre, the retail unit as well as the flexible unit proposed, which will be looked at in the following section, is considered to support the vitality and growth of the nearby WRN centre. The amenity and character requirements of policy DM2c if the MDD are assessed in the *Amenity/Environmental Health and Design & Conservation* sections respectively.
- 10.55 **Provision of Flexible A2, A3, A4, B1(a), D1 and D2 Unit.**
- 10.56 In addition to the to the retail unit proposed at ground floor, another unit is proposed which would provide a range of flexible uses (A2/A3/A4/B1a/D1/D2).
- 10.57 The report will now turn to the acceptability of this unit assessing it against the

relevant policies.

- 10.58 The relevant areas of policy and guidance to the provision of a unit with this range of possible uses are considered to be policy SP01 of the CS, policies DM1 and DM8 of the MDD and Section 2 and some relevant definitions in the glossary of the NPPF and the NPPG. These are presented below.
- 10.59 As set out earlier in the report Policy SP01 of the CS sets out the town centre hierarchy and seeks to promote development that is consistent with the scale and role of town centres.
- 10.60 Part 2c of SP01 seeks to encourage evening and night time economy uses that contribute to the vibrancy, inclusiveness and economic vitality of our town centre hierarchy. Provided that they are:
- Not over-concentrated in areas where they will have a detrimental impact on local people;
  - Of a balanced provision to cater for varied needs; and
  - Complementary to existing uses and activities.
- 10.61 Part 3 of policy DM1 of the MDD states that the vitality and viability of the borough's major, district and neighbourhood centres will be promoted by:
- a) protecting A1 uses as a priority
  - b) ensuring development does not result in the overconcentration of non-A1 uses; and
  - c) supporting development that strengthens the mix and diversity of town centre uses (including employment and social/community uses)
- 10.62 Part 4 of MDD policy DM1 seeks to further support the vitality and viability of town centres by directing restaurants, public houses and hot food takeaways (Use Classes A3, A4 and A5) to designated town centres provided that:
- a. they do not result in an overconcentration of such uses; and
  - b. in all town centres there are at least two non-A3, A4 and A5 units between every new A3, A4 and A5 unit.
- 10.63 Part 4 of the MDD policy DM8 seeks to locate new health, leisure and social and community facilities in or at the edge of town centres. The provision of new health, leisure and social and community facilities or extensions to existing facilities located out of centre will only be supported where they are local in nature and scale and where a local need can be demonstrated.
- 10.64 *Provision of B1*
- 10.65 As part of the flexible range of uses Office (Use Class B1a) is considered acceptable as it would be re-provision on the site. This smaller unit would provide a more manageable sized office unit that at 275m<sup>2</sup> which would be just above the 250m<sup>2</sup> advised in policy DM15 of the MDD for a Small Medium Enterprises (SMEs) units. The proposed smaller office use would be more complementary to the current market.
- 10.66 The 6 office units to the rear of the building would all be below 100m<sup>2</sup>, the other size advised as appropriate to meet the needs for SMEs in policy DM15 of the MDD.
- 10.67 The Marketing report submitted suggests the mix of smaller office units will better meet the demand of the local area which would promote SME uses.

#### 10.68 *Provision of A2/A3/A4*

10.69 In this edge of centre location it is considered that the use of the site for financial or professional services (Use Class A2) restaurant or café (Use Class A3) or drinking establishment (Use Class A4) would contribute to the vibrancy, inclusiveness and economic vitality of the nearby WRN centre. There are currently two hot food takeaways at the edge of this Centre, it is considered that the use of the unit for either A3 or A4 would provide a complimentary use that would not result in an overconcentration of these A3/A4/A5 detrimental to local people. In relation to these uses, the proposal therefore complies with policy SP01 of the CS and policy DM1 of the MDD.

#### 10.70 *Provision of D1/D2*

10.71 Policy DM8 of the MDD states that new health, leisure and social and community facilities (D1/D2) should be located in or at the edge of town centres. The site is appropriately accessible for these uses at an edge of centre location and as such these uses would contribute to the vitality and viability of the WRN centre. It is considered that the size of the unit used for D1/D2 would mean the unit would predominantly serve the local area. These uses would assist in delivering a sustainable, healthy and liveable local neighbourhood complying with policy DM8 of the MDD.

10.72 For the above reasons it is considered that the principle of the proposed change of use is acceptable. The proposal complies with policies SP01 and SP03 of the CS, policies DM1, DM2 and DM15 of the MDD, policy 4.7 of the London Plan, the NPPF and NPPG.

### **11. Design and Heritage Impact**

11.1 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.

11.2 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimisation of the potential of the site.

11.3 Policy SP10 of the CS and DM23 and DM24 of the MDD, seek 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 environments.

11.4 As the Forge is Grade II listed and within the Chapel House Conservation Area, additional policies relating to heritage matters are also relevant.

11.5 Section 12 of the NPPF provides specific guidance on 'Conserving and Enhancing the Historic Environment'. Para. 131 specifically requires that in determining planning applications, local planning authorities should take account of:

11.6 *"desirability of sustaining and enhancing the significance of heritage*

*assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and the desirability of new development making a positive contribution to local character and distinctiveness.”*

- 11.7 Parts 1-3 of strategic policy SP10 of the CS provide guidance regarding the historic environment and states at part 2 of the policy that the borough will protect and enhance heritage assets and their setting. Policy requires that proposals protect or enhance the boroughs heritage assets, their setting and their significance.
- 11.8 Policy DM27 part 2 of the MDD provides criteria for the assessment of applications which affect heritage assets. Firstly, applications should seek to ensure they do not result in an adverse impact on the character, fabric or identity of the heritage asset or its setting. Part (c) also applies given it seeks to enhance or better reveals the significance of the asset or its setting.
- 11.9 *The Forge*
- 11.10 The Forge is a Grade II listed warehouse building due it being the last remaining mid-19<sup>th</sup> century iron shipbuilder’s forge in London, outside the royal dockyards. It provides evidence of the iron manufacturing process and heavy Thameside industry that historically sustained the local community.
- 11.11 It has a relatively simple, industrial architectural style. It is predominantly of stock brick construction with a double pitched roof running perpendicular to Westferry Road.
- 11.12 As part of its restoration within the past decade there have been numerous alterations. On the Westferry Road elevation, large windows have been sensitively been installed in what were originally blind recesses. There are also new entrances at the southern corner on the side elevation and northern corner on the rear elevation. There is glass curtain walling towards the western corner on the side elevation, a new concrete floor has been laid and the roof is also new.
- 11.13 The internal structure forms a single space of 1,178m<sup>2</sup>. There is a sense of the space being divided into two halves by the central valley of the two roof pitches and a tall central cast iron colonnade that supports the roof. Both sides of the building have historic gantries with cranes that run the length of the building. The gantry and support structure is timber in the south eastern half of the building. On the northern western elevation there are the remains of 8 chimney breasts. The building has an open industrial character. The special historic and architectural interest is enhanced by the original features that allude to the building’s past heavy industrial use.
- 11.14 *Intention of Proposal*
- 11.15 The building has been vacant since 2007. As outlined in the *Land Use* section it has been actively marketed over this time but has attracted little interest due to its large size. The intention of this application is to use part of the ground floor space for a convenience retail store and it is considered that the smaller flexible unit and 6 offices for the remainder of the building will provide more attractive spaces for potential tenants. In this way it is held that the Forge would find an active modern and sustainable use that ensures the conservation of the building going forward.

#### 11.16 *Proposed Alterations*

11.17 In order to provide smaller, more useable units, the applicant has worked alongside the Council Conservation team to find a sensitive way of subdividing the space while maintaining the sense of space and allowing an appreciation of the special historic and architectural features. To convert the building so that it can function for the uses applied for in this application a number of internal and external changes are proposed.

#### 11.18 External Elevations:

- New entrance on the south western corner on the flank of the building
- Existing wall, pier and gate at south western corner to be relocated to allow access to new entrance to retail unit.
- Existing wall, pier and gate at southern corner to be demolished to allow open access to flexible unit.
- Entrance created in curtain wall towards north eastern corner on the flank of the building to allow access to office units
- Installation of platform for plant equipment on the roof

11.19 The proposed new entrance to the side elevation was a suggestion made by the Council's Conservation officer at pre-application stage. It is considered that the gantry's structural supports would be sensitively adapted so as to have as little impact as possible. This alteration to the fabric of the original building would be less noticeable on the side of the building and would be similarly located to the existing entrance on the opposing side.

11.20 The proposed relocation (SW corner) or demolition (S corner) of the brick piers and metal fencing on the respective sides of the front elevation would not have an adverse impact on the character of the building given that they are not original features. If anything these changes would better reveal the Forge building as this security fencing would be slightly less prominent.

11.21 The proposed entrance to be created in the centre of glass curtain walling towards the north eastern corner on the flank elevation would not materially affect the building. The double doors would also be constructed of glass are considered to be a very minor alteration to a recent addition to the building.

11.22 The addition of a platform for plant equipment on the roof is considered to be sensitively and discreetly located towards the rear of the building within the valley of the recently constructed roof structure and will utilise an existing roof light opening as a means of access. The platform would have screening to obscure views of plant equipment. In the proposed location it is considered that the platform would not be readily visible.

11.23 For the above reason it is considered that the external changes proposed would preserve the simple industrial aesthetic of the building. The site is located within the Chapel House Conservation Area, the minor external alterations proposed would also be considered to preserve the wider character and appearance of the conservation area.

#### 11.24 Internal Alterations:

- The sub-division of the premises into five separate units at ground floor
- The installation of a first floor mezzanine to the rear of the warehouse to create three separate units.

- 11.25 Approximately, the front three-quarters of the north western half of the ground floor would be for the retail use and there would be a self-contained office and bin store to the rear of this unit. Just over half of the front of south eastern half of the ground floor would be for the flexible unit and there would be two self-contained offices to the rear of this unit.
- 11.26 The first floor mezzanine would be installed in line with the beginning of the back of house area on the north western half and the two office units on the south southern eastern half, extending to the rear of the building. There would be a double height void courtyard between the two offices on the south eastern half and a lightwell between the office and bin store on the north western half.
- 11.27 The new entrance on the side by the south western corner would serve a small lobby area. The entrance to the retail unit would be immediately to your left and the lobby would lead in open plan to the flexible unit. The front elevation of the retail unit would be of lightweight curtain glass construction. A wall, approximately 2.2 metres high would separate the retail unit from the flexible unit along their shared side boundary. The curtain glazing of the front elevation of the retail unit would continue above the dividing wall to be affixed to the underside of the steel work at the ceiling level of the building. The central colonnade would be retained as a void space. The roof would be openly visible bar acoustic reflectors suspended from the roof to deal with sound transfer issues.
- 11.28 The intention of the above described design is to subdivide the building while seeking to preserve a sense of the volume of the building and allow appreciation of the special historic and architectural features. The central iron colonnade, exposed beams, gantries and listed cranes, which would remain in situ, would all still be readily visible.
- 11.29 The Greater London Industrial Archaeology Society (GLIAS), along with a number of representations objected to the scheme in relation to the impact on the character of the Grade II listed building. It is argued that the subdivision would be awkward and concealing, and would divide one of the last undivided heavy engineering workshops in London. It is held that the transparent materials, by virtue of their reflections, shadings and solid support will fundamentally alter how the building is viewed and that the rear offices, built up to 1<sup>st</sup> floor level will reduce the length of the interior and crowd the arcade.
- 11.30 It is suggested the walls of the offices will restrict views of the crane infrastructure, that the shelves to be used by the retail occupier will further make it difficult to see building's special features from within the retail unit. It is also held that the proposal does not take into account the inevitable additional facilities that that will be needed in the flexible unit which is dependent on as yet unidentified future occupiers. These features would further obscure the buildings valuable features.
- 11.31 The subdivision and associated furniture and facilities of the occupiers would, it is argued, destroy the spatial quality of the presently voluminous space and would make it harder for one to see how the building was laid out originally and how it operated.
- 11.32 Undoubtedly the ability to appreciate the space as a whole, to see the historic features and how they functioned will be reduced by the proposed subdivision and mezzanine level. It should be noted that the existing emptiness of the building is not how it would have been in the past. It would have once been filled with

industrial machinery and workers actively using the building. Despite the building being much fuller in the past it would always have been open and experienced as a whole. The proposed subdivision would somewhat obscure historic features of the building as a whole. However, the measures taken in the subdivision including the open lobby area, maintaining two large units at the front that are open at ceiling level and the lightweight glazed curtain walling between these units will, it is considered that, allowing a satisfactory appreciation of the original volume and spatial qualities of the building is acceptable. In addition to this the historical features and fabric will be maintained in situ and be able to be clearly viewed from certain parts of the building. As such, the conservation and design Officer considered that the proposals represent less than substantial harm to the listed building. This is further supported by the virtue of bringing back uses within a historic building which otherwise be left vacant, as it has been since 2007. Subject to relevant conditions with regard to further details including the glazed screen, details of the new structural opening to accommodate the proposed new entrance and details of fixings with regard to heating and ventilating equipment, the proposed alterations to the Listed Building is acceptable in this instance.

- 11.33 In accordance with the NPPF where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 11.34 As above mentioned the building has been vacant for over 7 years. The proposal would bring back section of the ground floor into active retail use immediately and provide smaller, more attractive units for future tenants of the rest of the building. It is considered that the proposed subdivision is the most likely way the building will secure long term viable use which will also ensure the future conservation of the building. The building is currently closed off from the community. In addition to the above benefit of the scheme, the interior of the building would be able to be seen by customers of the two front ground floor units and any interested member of the public. It is considered that the character of the listed building would be broadly maintained and the less than substantial harm that the subdivision would cause would be outweighed by these public benefits.
- 11.35 As such, subject to conditions the proposed works are considered to preserve the special character and appearance of the Grade II listed building and the Chapel House Conservation Area, in accordance with policy SP10 of the adopted CS, policy DM27 of the MDD and the NPPF which seeks to bring heritage assets back into use and ensure any harm is weighed against the benefits of the work.

## **12. Amenity/Environmental Health Impacts**

- 12.1 Policy SP10 of the CS and policy DM25 of the MDD seek to protect residential amenity.
- 12.2 The Forge is located centrally within a residential development know as Forge Square. The proposed development has a number of ways it could potentially impact on the amenity of these residents. This is discussed further within this section of the report.
- 12.3 Noise and Vibration
- 12.4 A number of representations raised concern regarding the potential noise impact of the development with increased noise possibly arising from the movement of



bins/cages, the plant extraction system and deliveries.

- 12.5 The applicant submitted an Environmental Noise Assessment by Sharps Redmore (ENA) in support of their application. This assessed the noise impact of deliveries to the proposed retail unit and proposed external fixed plant associated with the proposed retail unit.
- 12.6 The ENA concluded that the development could receive deliveries, without associated noise giving rise to significant adverse impacts during the following hours:
- 12.7 Main Deliveries: 08.00 to 18.00 hours Monday to Friday  
09.00 to 13.00 hours Weekends and Bank Holidays
- 12.8 Newspaper Deliveries: From 05.00 daily.
- 12.9 The ENA also concluded that noise from the external fixed plant would be at most 10dB below the existing background noise climate.
- 12.10 The Council's Environmental Health (EH) team reviewed the ENA and requested additional information on the raw data and the Calibration Certificate for the noise monitoring in the ENA. After reviewing the ENA and additional information the Environmental Health team accepted that their ENA offers mitigation to meet the requirements of the latest LBTH noise standards in relation to background noise levels. The delivery hours stated in the *Servicing* section below would be more restrictive than these hours resulting in even less noise disturbance for residents. For the above reasons the proposal is considered to comply with policy DM25 of the MDD and policies SP03 and SP10 of the CS which seeks to limit unacceptable levels of noise.
- 12.11 Smell/Pollution
- 12.12 In order to safeguard amenity impacts from uses of the flexible unit that may produce odours/smells as a by-product, should permission be granted, a condition would be imposed to ensure that any future extractor/mechanical units, associated with the use of the flexible unit as a restaurant/café/drinking establishment, provide odour/smell nuisance mitigation measures to minimise any harm to neighbouring amenity.
- 12.13 Some representations raised concerns about the development causing increased air pollution. As explained in the Highways Impacts section, the size of the units in addition to the lack of car parking provision would mean the units would have a local catchment that would predominantly be accessed on foot and public transport. The deliveries to the units would also not be considered to increase air pollution by a significant amount.
- 12.14 For the above reasons the proposal is considered to comply with policy DM25 of the MDD and policies SP03 and SP10 of the CS which seeks to limit unacceptable levels of odours and air pollution.
- 12.15 Hours of Operation
- 12.16 The Planning Statement submitted in support of the application specifies the hours of operation for the proposed building as whole to be 06.00 to 23.00 hours daily. Due to the proximity of the Forge to the residential Forge Square

development that surrounds it is considered prudent to further restrict the hours of operation in order to satisfactorily preserve the amenity of neighbouring residents. The hours of operation would be restricted by condition to between 07.00 and 22.00 hours daily in order to safeguard residential amenity in line with policy DM25 of the MDD and policy SP10 of the CS.

#### 12.17 Security

12.18 It is not considered that the proposed uses for the Forge would have any particular impact on crime or anti-social behaviour. Several representations mentioned an increase in nuisance or loss of security caused by workers of the Forge using the grounds of the gated Forge Square development. Whilst planning system can control the use of the land, cannot control the behaviour of the users of the building/land. Nevertheless, to minimise any impact to the existing residents, a condition requiring a Site Management Plan which outlines how the store would cater for their employees and how it intends to operate in a neighbourly manner; and would be required to be submitted and approved. In this respect the proposal would be considered to comply with policy DM25 of the MDD and policy SP10 of the CS.

### 13. Highways Impacts

13.1 The applicant provided a Transport Statement (TS) and Servicing Management Plan (SMP) in support of their application.

13.2 In terms of the transport impact of the development the TS concludes that the expected trip generation potential is not considered to be significant. The level of activity expected would not have any material impact on the footway, bus services or the DLR and the new servicing arrangements will not have an unacceptable impact on the operation of Westferry Road or existing on-street parking provision. The Council's Highways team support these conclusions.

#### 13.3 Servicing

13.4 The servicing arrangements of the previous similar proposal (PA/13/01642) were part of the reason for its refusal stating that the development would:

13.5 *“adversely impact on the amenity of local residents by virtue of the excessive servicing needs within a narrow route within the Forge Development”*

13.6 The applicant has submitted a Servicing Management Plan (SMP) in support of their application. This details a new servicing strategy from Westferry Road rather than at the rear from within the Forge Square development.

13.7 Working with the Council's parking team it has been agreed to provide a loading bay of just over 14 metres on the northern side of Westferry Road broadly in line with the proposed retail unit.

13.8 The SMP has calculated that the retail unit would require approximately 3 deliveries by rigid goods vehicles per day between Monday and Friday. The loading bay is proposed to operate for reduced hours on Saturdays and for there to be no deliveries on Sundays. Deliveries would be co-ordinated so that none arrived at the same time and HGV engines and refrigerators would be switched off during delivery times. The rigid goods vehicles used would be approximately 8

metres in length, designed for servicing smaller shops in residential areas.

- 13.9 The movement of goods to the retail unit would be by cage. As it is considered that the retail unit would receive the most deliveries over the flexible unit and offices the loading bay location has been chosen to reduce the distance the cages would have to travel to offload at the retail unit mitigating the noise and footway disruption associated with deliveries.
- 13.10 The Council Highways team sought clarification as to where cages would be stored for the retail unit so that they do not obstruct the footway. The applicant stated that cages would be kept in the back of house area and then pulled through the store to the lorry when it has been emptied of goods being delivered. A condition to secure a Site Management Plan shall require details of the cages to be stored in the back of house area of the retail unit and not along the front of the Store, or where it is highly visible from and/or on the public highway.
- 13.11 The SMP states that the flexible unit and office units would be serviced in line with the retail unit although it is expected that the uses applied for at this unit would require less servicing and the requirement for only transit type delivery vehicles. In any case before the occupation of the flexible unit, a use-specific SMP will be required to be submitted and approved by the LPA. Deliveries for these units would need to co-ordinate with the retail unit so that deliveries were not undertaken at the same time.
- 13.12 A number of representations raised concerns with regards potential risks to safety posed by deliveries being undertaken near to the Harbinger Primary School, to the north of sites. To reduce this risk it is proposed to further restrict the delivery hours so that they do not conflict with school pick-up and drop-off times. This would also mitigate against noise and traffic disruption from servicing. It is therefore considered that, should permission be granted, main deliveries times, other than newspaper deliveries, should be restricted by condition to between
- 13.13 Main Deliveries: 09.30 and 15.00 Monday to Friday,  
09.00 and 13.00 on Saturdays  
No deliveries on Sundays.
- 13.14 Newspaper deliveries: from 05.00 daily as the noise impact was found to be acceptable and these early deliveries would not conflict with school pick-up drop-off times.
- 13.15 The proposed on-street servicing arrangement and restrictions which would be imposed by condition are considered satisfactory in that they would ensure that there was no undue adverse impact on the amenity or safety of neighbouring residents. This is considered a significant improvement to the previously proposed servicing arrangement (PA/13/01642) from the rear of the Forge which formed part of the reason for refusal of that application. As such, the proposed development complies with policy SP10 of the CS and policies DM2 and DM25 of the MDD, which seek to suitably locate retail uses and preserve residential amenity.
- 13.16 Car Parking/Loading Bay
- 13.17 No additional car parking is proposed within the development and this is supported. It is expected that the proposed retail unit and flexible use unit would draw the majority of their customers from a catchment of roughly 500m around the

site. As such the dominant means of getting to and from the site would be via non-car means.

- 13.18 In order to accommodate the loading bay on the northern side of Westferry Road without obstructing traffic it is proposed to relocate the parking bay on the opposite side of the Forge and to incorporate the loading bay within it. In this way two parking spaces would be lost to accommodate the bay but these would be reprovided on the southern end of Harbinger Road so there would be no net loss of on street car parking, which is acceptable to the Council Highways team.
- 13.19 Best practice guidance seeks to provide drivers with an unobstructed view to the rear of any speed camera. Because of this, it will be necessary to relocate the existing camera at the southern end of the Forge site further along Westferry Road in order to relocate the parking bay. TfL has responsibility for all speed cameras in London and has worked with applicant. TfL had no objections to the scheme and the applicant states that they are happy with the relocation in part on the basis that the camera's proposed location is preferred to its' existing.
- 13.20 In order to relocate the speed camera, the existing southbound bus shelter located to the south of The Forge site would need to be shifted a little further to the north. Again the applicant has worked with TfL and London Buses and state that they are satisfied with the shifting of the bus shelter. Subject to appropriate costs borne by the applicant to relocate the on-street parking spaces, bus shelter, and speed camera the relocation can be agreed in principle. Appropriately worded condition will ensure that the occupation of the uses cannot take place until the on-street parking spaces, the bus shelter and the camera are successfully relocated.
- 13.21 For the above reasons the proposal is considered to comply with DM22 of the MDD.
- 13.22 Cycle Parking
- 13.23 The applicant has provided cycle provision in excess of the minimum policy requirements for the development which is welcomed. Details of this would be secured by condition. For this reason the proposal is considered to comply with DM22 of the MDD.
- 13.24 Refuse
- 13.25 The applicant states in their Planning Statement that refuse and recycling will be removed, where possible, by the respective use's servicing vehicles. Initially the applicant stated that any refuse and recycling that is not removed in this way would be stored in the The Forge Square development's shared bin store accessed from Harbinger Road. Following consultation with a Council Waste Officer the applicant was informed that commercial and residential waste cannot be stored in the same bin store and subsequently provided an amended site plan that indicated an appropriate commercial only bin store at the northern corner of the building which could accommodate an ample 15 x 240 litre bins. This would be removed by an agreed contractor via the Harbinger Road entrance.
- 13.26 This bin store would serve the rear office units and the flexible unit but not the retail unit. The retail unit would have its own bin store in its back of house area which would be emptied by their own delivery vehicles.

13.27 Following receiving clarification on the proposed waste arrangements the Council Waste Officer had no objections to the proposal. It is therefore considered that the proposal complies with policy DM14 of the MDD.

#### **14. Access**

14.1 In terms of accessibility the applicant stated that the ground floor (retail/commercial and office space) would be fully accessible to all and has a level threshold (with appropriately designed ramps that accord with DDA compliance) and wide and bi-parting doors to the front either side of the building and internally into the retail unit to allow the delivery of goods and accessibility for customers. The office space at ground floor is also accessible to all.

14.2 The offices at 1<sup>st</sup> floor would not have a lift access due to the design and layout of the building as well as the constraints of the building due to it being a Grade II listed building.

14.3 This was assessed by a Council Access officer and was deemed to be acceptable. It is therefore considered that the proposal complies with policy SP02 of the CS.

#### **15.1 Flood Risk**

15.2 The site is located within Flood Zone 3, at risk of flooding from the tidal River Thames. The Environment Agency (EA) have been consulted with regards to the application. The SFRA confirms that the site is defended to a 1 in 1000 year standard by the River Thames tidal defences and as such the EA have no objection to the application in this instance.

15.3 As this is a change of use and no alterations are proposed, it is considered that any incidence of flooding will be no greater than the existing situation for all the units within this locality. The proposal would not result in any significant increase in the incidence of flooding for future occupiers, which accords with policy SP04 of the Core Strategy (2010).

#### **16. Human Rights Considerations**

16.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:

16.2 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-

16.3           ○ Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;

16.4           ○ Rights to respect for private and family life and home. Such rights

may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

- 16.5 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 16.6 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 16.7 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 16.8 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified.

## **17. Equalities Act Considerations**

- 17.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:
1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## **18. CONCLUSION.**

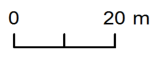
- 18.1 The proposed change of use would be appropriate in land use terms and the associated alterations would amount to less than substantial harm to the listed building that would be outweighed by the public benefit. It would not have an adverse impact on the highways network and the new servicing arrangements would be acceptable in terms of their amenity impacts.
- 18.2 All other relevant policies and considerations have been taken into account. Planning permission and Listed Building Consent should be GRANTED for the

reasons set out in the EXECUTIVE SUMMARY and MATERIAL PLANNING CONSIDERATIONS sections and the details of the decision are set out in the RECOMMENDATION at the beginning of this report

Planning Application Site Map PA/14/02753



- Planning Application Site Boundary
- Consultation Area
- Locally Listed Buildings
- Statutory Listed Buildings
- Land Parcel Address
- OSLine



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

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