

Agenda Item number:	5.1
Reference numbers:	PA/14/02753 & PA/14/02754
Location:	The Forge, 397 & 411 Westferry Road, London, E14 3AE
Proposal:	Planning permission and Listed Buildign Consent is sought for change of use of part of The Forge from office (Use Class B1) to convenience retail food store (Use Class A1) with gross internal floor area of 394 sq m and net sales area (gross internal) of 277 sq m; and change of use of the remainder of The Forge (Use Class B1) to interchangeable uses for either or 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 A2, A3, A4, B1(a), D1 and D2; with 297.17 sq m GFA of new floor space created at 1st floor level for business (Use Class B1(a)) and 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 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; Demolition of external walls to facilitate access to The Forge and rebuilding of one wall, repositioning of lighting column, and cycle parking.

1.0 ADDITIONAL REPRESENTATIONS

- 1.1 Four representations have been received since the publication of the deferred item report. Two of these are in support of the proposal and include a letter from the applicant and the other two object to the proposal. It should be noted that one of the representees who objected has already previously objected.
- 1.2 Most of the issues raised in the additional representations have been raised previously and are addressed in the officers' report. The applicant's letter attempted to clarify a few further issues that were raised at committee.
- 1.3 A further clarification was offered by the applicant with regards to the position of the various units within the Forge as the best possible arrangement in terms of maximising the light received to all of the units. If the interchangeable unit and two offices were on the other side then the amount of light received by the offices to the rear would be much lower than the current arrangement.
- 1.4 The applicant also outlined that there is no advantage to be gained by the retail unit from being on the north western side of the building in terms of additional visibility of signage for the unit.
- 1.5 The applicant draws the Council's attention to a recent Planning Appeal by Tesco Stores Limited. Attached to the appeal decision that grants permission, the Inspector has imposed a condition that limits the size of the delivery vehicles.

Officer Comments

- 1.6 In terms of the position of the units within the Forge the impact on light levels at the rear offices by swapping the retail unit and Interchangeable is noted. It is also considered that there would be no additional visibility gained for the retail unit by being on the north western side.
- 1.7 Although the applicant has been able to find an example of a condition that restricts the size of delivery vehicles it is still the view of the Council that a condition of this type is not enforceable as it is a Highways matter. The National Planning Policy Guidance states that conditions cannot be imposed outside of the application site. There are however ways that the size of delivery can be restricted. The submitted Service Management Plan would be conditioned to be implemented which includes the details of the restriction to the size of delivery vehicles to no more than 8 metres in length. Members should also note that there would be a further restriction of the size of delivery vehicles from the parking bays on either side of the loading bay, outlined in the deferred item report.

2.0 LOCAL FINANCE CONSIDERATIONS

2.1 Section 70(1) of the Town and Country Planning Act 1990 (as amended by the Localism Act) entitles the relevant authority to grant planning permission on application to it. Section 70(2) requires that the authority shall have regard to:

- The provisions of the development plan, so far as material to the application;
- Any local finance considerations, so far as material to the application; and,
- Any other material consideration.

2.2 Section 70(4) defines "local finance consideration" as:

- A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

2.3 In this context "grants" might include New Homes Bonus. This application would not attract a any New Homes Bonus.

2.4 Local finance considerations are capable of being material planning considerations when determining planning applications or planning appeals.

2.5 As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and would be payable on this scheme if it were approved. The approximate CIL contribution is estimated to be around £39, 749

2.6 This application is also subject to the Tower Hamlets Community Infrastructure Levy, which came into force for application determined from 1 April 2015.

This is a standard charge, based on the net floor space of the proposed development, the level of which is set in accordance with the Councils adopted CIL charging schedule. The estimated Borough CIL contribution for this development is approximately £0.