

Committee: Development	Date: 16 th June 2015	Classification: Unrestricted	Agenda Item:
Report of: Corporate Director of Development and Renewal		Title: Full Planning Permission Application & Listed Building Consent Application	
Case Officer: Brett McAllister		Ref Nos: PA/14/02753 (Full Planning Permission & PA/14/02754 (Listed Building Consent)	
		Ward: Island Gardens	

1. 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 394m² and net sales area (gross internal) of 277m²;
 - 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 275.71m²;
 - The remainder of the ground floor would be for office use split into 3 units (Use Class B1a)
 - 297.17m² 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;

2. BACKGROUND

- 2.1 The linked applications for planning permission and listed building consent were considered by the Development Committee on 11th March 2015 with officer's recommendation to **GRANT** planning permission and listed building consent subject to conditions. A copy of the original report is appended.
- 2.2 The Committee deferred the applications in order to visit the site, to better understand the proposals and their effect on the setting and appearance of the listed building.
- 2.3 A site visit was undertaken on 2nd April 2015 at 6.30pm. Following this, Members had the opportunity to report back on their findings and consider the application again at the Development Committee on 14th May 2015.
- 2.4 On 14th May 2015 Meeting, the Members were minded to **REFUSE** planning permission and listed building consent for the proposal on the following grounds:
- The impact of the scheme on the historic fabric of the Forge Building
 - The impact on the viability of the neighbouring Town Centre
- 2.5 In accordance with Development Procedural Rules, the application was **DEFERRED** to the next committee to enable officers to prepare a deferral report to provide wording for reasons for refusal and providing commentary on the detailed reasons for refusal on the application.

3. THE COMMITTEE'S PROPOSED REASONS FOR REFUSAL

- 3.1 The Committee were minded to refuse the applications on the following grounds:
- The impact of the scheme on the historic fabric of the Forge Building
 - The impact on the viability of the neighbouring Town Centre

Historic Fabric

- 3.2 In the previous report officer's considered that there would be some harm to the listed building, caused by its subdivision, reducing the ability to appreciate the building and its historic features as a whole and the alterations to the fabric of the building that the proposed change of use would require. 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, were considered to allow a satisfactory appreciation of the original volume and spatial qualities of the building. As such the harm was considered to be less than substantial. Therefore, in accordance with the NPPF the harm was weighed against the public benefits of the proposal. The public benefits of the proposal were considered to be that the historic features would remain in situ, the internal space would be opened up to the public and the building would be brought back into active use. A number of conditions requiring details to be approved were recommended by the Borough Conservation Officer in order to ensure suitable control over the internal structural changes. These benefits were considered to outweigh the less than substantial harm.

- 3.3 Members have given greater weight to the harm caused to the fabric of the listed building especially to the loss of historic fabric caused by the creation of a new entrance on the north western side elevation. It is worthwhile to note that the building was restored in 2007 along with a number of alterations. These included the installation of large windows in what were originally blind recesses on the front elevation, a new entrance at the southern corner on the side elevation and northern corner on the rear elevation. Glass curtain walling has also been installed towards the western corner on the side elevation, a new concrete floor has been laid and the roof is also new. However, the Members considered that the further loss to the original wall to be unacceptable, and in addition to this, the necessary adaptation of the gantry's structural supports internally to allow access from this entrance, to represent substantial harm to the listed building. Moreover, it was considered that the alteration to the fabric of the original building is considered readily visible from the highway being positioned so close to the front elevation.

Effect on the viability of Westferry Road Neighbourhood centre

- 3.4 In the previous officers' report it outlined the applicant's justification for the proposed retail unit and their assessment against the relevant NPPF, NPPG and local plan policy tests.
- 3.5 The report also explained that the submitted Retail Assessment was reviewed and assessed by the Council's own appointed consultant, and was considered that the sequential and impact tests of the NPPF had been satisfied. In line with policy DM2 of the Managing Development Document it was considered that local need had been established that cannot be met within an existing 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 Westferry Road Neighbourhood centre, the retail unit as well as the flexible unit proposed were considered to support the vitality and growth of the nearby Westferry Road Neighbourhood centre.
- 3.6 However, Members considered that the impact on the viability of the Westferry Road Neighbourhood Centre to be unacceptable. In agreement with the refusal reason put forward in the initial application (PA/13/01642) Members consider that the proposed units are significantly over the 100sqm threshold for a retail unit to be considered local in nature and as such, whilst a sequential test has been submitted it was considered that this does not provide the sufficient justification for the retail uses within this location, to justify a department from the recently adopted Managing Development Document policy DM2.
- 3.7 Officers need to emphasise again to the Committee that an independent review of the Retail Assessment was carried out by a specialist retail consultant appointed by the Council. In the absence of any contrary evidence this proposed reason for refusal could be difficult to sustain if the applicant were minded to exercise their rights to an appeal. Nevertheless, the draft wording for this reason for refusal is outlined under Recommendation.

Implications arising from a decision to refuse the applications

- 3.8 In the event that the Committee resolves to refuse one or both applications, the following options could be exercised by the applicant.
- 3.9 The applicant could approach the Council for further pre-application advice on an amended proposal and thereafter submit new applications.

- 3.10 The applicant could exercise their right to appeal to the Secretary of State against the Council's decisions. The appeals would be determined by an independent inspector appointed by the Secretary of State, Section 3 of this report sets out the officer assessment of the low likelihood of success in defending one of the reasons for refusal. However if the Committee do resolve that the application for planning permission should be refused on grounds relating to retail impact, officers will seek to defend the Council's position.

4. RECOMMENDATION

- 4.1 Officers' original recommendation as set out in the officers' report for Development Committee on 2015 to grant planning permission for the proposal remains unchanged.
- 4.2 However, if Members are minded to refuse planning permission for this scheme, then the proposed refusal reasons are as follows:

Applications for planning permission and listed building consent
(PA/14/02573 and PA/14/02574)

1. The proposal would further erode the historic fabric of the listed building which has already been subject to a number of recent alterations and would fail to preserve the special architectural and historic character of the building. The proposal therefore fails to comply with policies DM24 and DM27 of the Managing Development Document (2013), SP10 of the Core Strategy (2010), policies 7.4 and 7.8 of the London Plan (Consolidated with Alterations since 2015), the National Planning Policy Framework (2012) and National Planning Policy Guidance.

Application for planning permission (PA/14/02573)

2. The proposed development would undermine the viability and vitality of the adjoining neighbourhood centre (361-375 Westferry Road). As such, the proposal is contrary to the National Planning Policy Framework, policy SP01 of the adopted Core Strategy (2010) and policies DM2 and DM25 of the Managing Development Document (2013) which seek to ensure new retail is of appropriate size, scale and location to town centres and that it preserves residential amenity.