

REGULATORY SERVICES COMMITTEE

REPORT

4 August 2011

Subject Heading:

P0019.11 – 395-405 Brentwood Road,
Heath Park, Romford

Change of use of part of former car showroom to Class A1 retail, change of use of first floor to form 3no. residential units and construction of second floor extension to form 2no. residential units together with alterations to the front facade of the building. (Application submitted 6th January 2011, revised plans submitted on 4th February and 7th June 2011).

Report Author and contact details:

Helen Oakerbee (Planning Control
Manager) 01708 432800

Policy context:

Local Development Framework
London Plan
National Planning Policy
None

Financial summary:

The subject matter of this report deals with the following Council Objectives

Clean, safe and green borough	<input checked="" type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

This application was reported to Regulatory Services Committee on 21st July where it was deferred for Staff to explore whether the applicant was prepared to enter into a legal agreement to restrict the opportunity for future residential occupiers to obtain residents parking permits. Confirmation has now been received from the applicant that they would be willing to enter into such an agreement in the event that Members are minded to grant planning permission. The report presented to the 21st July Committee is appended to this report (Appendix A). The application continues to be recommended for refusal but should Members be minded to grant planning permission, details of suggested conditions and Heads of Terms for a legal agreement are set out in the report.

RECOMMENDATIONS

It is recommended that planning permission be refused for the following reasons:

1. The proposed roof extension would, by reason of its height, bulk and mass fail to relate to the existing building and would therefore appear as an unacceptably dominant and visually intrusive feature in the street scene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.
2. In the absence of a legal agreement to prevent future occupiers from obtaining resident parking permits the proposal is likely to result in the unacceptable overspill of cars onto the adjoining roads to the detriment of highway safety contrary to Policies DC32 and DC33 of the LDF Core Strategy and Development Control Policies Development Plan Document.

INFORMATIVE

1. The applicant is advised that in order to address reason for refusal number 2 the Council will be looking to prevent future occupiers from obtaining parking permits through a legal agreement in the event of an appeal or a resubmission.

REPORT DETAIL

1. Site Description:

- 1.1 The application site is located on the western side of Brentwood Road, directly opposite The Drill Public House and in close proximity to The Drill

roundabout. The application site is presently occupied by a two storey building which is currently vacant. Until early 2009 the building was occupied by the Heath Park Motor Company who used the ground floor as a showroom area with the upper floor being used as offices. The application site is loosely a triangular shape with the existing buildings on site covering almost the entire site.

- 1.2 Directly to the north of the site is the Drill Corner minor local centre (fronting Heath Park Road) which is formed of two storey terraced buildings with commercial uses at ground floor with residential flats above. To the rear the site is abutted by the garden areas of residential dwellings also fronting onto Heath Park Road. To the south of the site along Brentwood Road the western side of the road is formed of two storey semi-detached housing. The western side of the road is formed by a further portion of the Drill Corner minor local centre with residential properties beyond. The application site is located on several bus routes and is within 5 minutes walk of Gidea Park Railway Station.

2. Description of Proposal:

- 2.1 This application seeks full planning permission for the partial change of use of the former car showroom to form a retail unit (Class A1), the change of use of first floor to form three residential units and construction of a second floor extension to form two residential units. The application also seeks permission for alterations to the façade of the building and an alteration of the front forecourt layout to provide a lay by.
- 2.2 The ground floor of the building was most recently a car showroom. This proposal would result in the building being split internally to form two separate units. Permission is sought to change the right hand unit nearest to The Drill roundabout into a retail shop of 381 square metres in area. At this stage the applicant has advised that no tenant has been identified. The remainder of the ground floor (the left hand unit) would be retained as a car showroom of 315 square metres in area.
- 2.3 To the front forecourt it is proposed the existing arrangement of dropped curbs would be reconfigured in order that a new lay by could be constructed. The proposed lay by is intended to enable servicing to take place without obstructing the highway. The proposed lay by would measure 22 metres in length and be capable of accommodating a delivery vehicle or four cars. The proposal would also see six parking spaces provided to the forecourt area. The applicant has advised that these spaces would be dedicated to the proposed upper floor flats.
- 2.4 The application seeks permission for a number of minor alterations to the façade of the building. These include the replacement of the existing doors and windows with modern variants, the application of render to a portion of the first floor and the provision of timber panelling above the entrance door to the first floor. The proposed upper roof extension would be sited over the front portion of the building and measure 24.7 metres in width by 6.2 metres

in depth at the deepest point. The roof extension would appear in a mansard style with a height of 2.5 metres above the existing roof height. The proposed upper floor extension would be in two portions with the largest portion being set back from the building's façade by 0.6 metres. A smaller portion of the extension would be located towards the southern end of the building and set back from the façade by 2.7 metres.

- 2.5 The upper floor of the building is presently vacant but was formerly in office use. The proposal would see three flats provided to the existing first floor and two flats provided within the proposed second floor roof extension. 2no. two bedroom flats and 3 no. one bedroom flats are proposed.

3. Relevant History:

- 3.1 The application site has an extensive history relating to its occupation by the Heath Park Motor Company however none of these applications are of relevance to this proposal. The most recent application for this site was;

- P0018.11 - Part change of use of former car showroom to form a Class A1 retail unit, alteration to front forecourt layout and the front facade of the building – Approved subject to conditions.
- P0636.11 - Variation of condition 4 of P0018.11- to extend store trading hours between 7.00am to 11.00pm any day - Approved

4. Consultations/Representations:

- 4.1 Neighbour notification letters have been sent to 26 adjoining occupiers with three letters of representation being received. The letters raise objection to the application on the grounds of overlooking from the additional floor, lack of car parking, highway safety, additional noise and impact on existing local shops.

- 4.2 The Council's StreetCare Service raises no objection in respect of highway or parking issues.

- 4.3 The Council's Environmental Health Service raises no objection subject to planning conditions.

- 4.4 The Borough Crime Prevention Design Advisor advises that the proposals do not raise any significant crime prevention or designing for community safety issues but recommends that planning conditions are imposed.

5. Staff Comments:

- 5.1 This application was reported to Regulatory Services Committee on 21st July where it was deferred for Staff to explore whether the applicant was prepared to enter into a legal agreement to restrict the opportunity for future residential occupiers to obtain residents parking permits in any current or future Controlled Parking Zone scheme. Staff have been in discussions with

the applicant and they have confirmed a willingness to enter into such an agreement in the event that Members are minded to grant planning permission.

5.2 Suggested planning conditions and Head of Terms wording

5.2.1 In the event that Members are minded to grant planning permission it is recommended that upon completion of a legal agreement, planning permission is granted subject to the following conditions:

1. Time limit - The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

Reason: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

3. Car parking - Before the retail unit hereby permitted is first occupied, the area set aside for forecourt car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

Reason: To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC33.

4. Materials - Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the roof extension shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed with the approved materials.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and in order that the

development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

5. Hours of Use - The retail premises shall not be used for the purposes hereby permitted other than between the hours of 07:00 and 23:00 any day without the prior consent in writing of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control in the interests of amenity, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

6. Noise insulation - Before the retail use commences this portion of the building shall be insulated in accordance with a scheme which shall previously have been submitted to and approved in writing by the Local Planning Authority in order secure a reduction in the level of noise emanating from the building.

Reason: To prevent noise nuisance to adjoining properties in accordance with the recommendations of Planning Policy Guidance Note 24 Planning & Noise 1994.

7. Details of new plant and machinery - Before any works commence a scheme for any new plant or machinery to be provided to the retail unit shall be submitted to the local planning authority to achieve the following standard. Noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary with the nearest noise sensitive premises shall not exceed LA90 -10dB and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties in accordance with the recommendations of Planning Policy Guidance Note 24 Planning & Noise 1994.

8. Details of extract ventilation equipment - If any cooking or food heating facilities are to be provided, before the use commences suitable equipment to remove and/or disperse odours and odorous material should be fitted to the extract ventilation system in accordance with a scheme to be designed and certified by a competent engineer and to be approved in writing by the Local Planning Authority. After installation a certificate shall be submitted to the Local Planning Authority and the equipment shall be properly maintained and operated within design specifications during normal working hours.

Reason: To protect the amenity of occupiers of nearby premises, and in order that the development accords with Core Strategy and Development Control Development Plan Document Policy DC61.

9. Details of measures to control noise and vibration - If any cooking or food heating is to be undertaken, before the use commences a scheme to control the transmission of noise and vibration from any mechanical ventilation system installed shall be submitted to and approved in writing by the Local

Planning Authority and implemented prior to the permitted use commencing. Thereafter, the equipment shall be properly maintained and operated during normal working hours.

Reason: To protect the amenity of occupiers of nearby premises, and in order that the development accords with Core Strategy and Development Control Development Plan Document Policy DC61.

10. Hours of construction - No construction works or construction related deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the local planning authority. No construction works or construction related deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority.

Reason: To protect residential amenity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

11. Sound attenuation - The building shall be so constructed as to provide sound attenuation of 45 DnT,w + Ctr dB (minimum values) against airborne noise and 62 L'nT,w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties in accordance with the recommendations of Planning Policy Guidance Note 24 "Planning & Noise" 1994, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC55 and DC61.

12. Works affecting the public highway - Prior to the commencement of the development, details of the proposed works affecting the public highway including the loading bay shall be submitted to and approved in writing by the Local Planning Authority and all necessary legal agreements secured. The works shall be carried out in full and in strict accordance with the approved details prior to the first occupation of the development and thereafter permanently retained.

Reason: In the interests of highway safety.

13. Provision of lay by - Before the retail premises hereby permitted is first occupied, the lay by area shall be provided in front of the site for the loading and unloading of vehicles. Thereafter the lay by shall be made permanently available for use to the satisfaction of the Local Planning Authority unless otherwise agreed in writing with the Local Planning Authority. No loading or unloading of goods from vehicles arriving at or departing from the premises shall be carried out otherwise than within such area.

Reason: To avoid obstruction of the surrounding streets and to safeguard the amenities of occupiers of neighbouring property, and in order that the

development accords with Development Control Policies Development Plan Document Policy DC36.

14. Cycle storage - Prior to completion of the works hereby permitted, cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

Reason: In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC36.

15. Refuse and recycling - Before the development hereby permitted commences, details of the proposed refuse storage and recycling facilities to be provided at the site for the use, together with arrangements for refuse disposal and details of recycling and collection shall be submitted to and approved in writing by the Local Planning Authority. The facilities as approved shall then be provided at the site prior to the commencement of the use and retained at the site thereafter in accordance with the approved drawings at all times.

Reason: In order to ensure that any such facilities respect the visual amenity of the locality, and the amenity of surrounding residents.

16. Construction methodology - Before development is commenced, a scheme shall be submitted to and approved in writing by the local planning authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls
- d) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the local planning authority;
- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the local planning authority; siting and design of temporary buildings;
- g) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- h) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

And the development shall be carried out in accordance with the approved scheme and statement.

Reason: To protect residential amenity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

17. Details of a CCTV system - Prior to the commencement of use of the development hereby permitted a scheme showing the details of a CCTV system to be installed for the purposes of community safety and the prevention of crime throughout, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Havering Police Crime Prevention Design Advisor. No part of the development shall be occupied or used before the scheme is implemented as agreed.

Reason: In the interest of residential amenity and creating safer, sustainable communities, reflecting guidance set out in PPS1, and Policies CP17 and DC63 of the Core Strategy and Development Control Policies DPD and 4B.6 of the London Plan.

18. Details of trolley bays - Prior to first use of the A1 (shop) use, details of any trolleys and trolley bays shall be submitted to and approved by the Local Planning Authority. Once approved, they shall be implemented in accordance with the approved details and retained

Reason: To protect residential amenity and on highway safety grounds in accordance with Policies DC61 and DC32 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document.

19. Delivery and servicing hours - No deliveries or servicing shall take place other than between the hours of 08:00 and 18:00 on any day without the prior consent in writing of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control in the interests of amenity, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

20. Delivery and servicing plan - Prior to the first occupation of the development hereby approved a delivery and servicing plan (DSP) in accordance with the provisions of the London Freight Plan shall be submitted to and agreed in writing by the Local Planning Authority. The DSP shall include details of the servicing arrangements including the exact location, times and frequency of deliveries. The development shall thereafter be operated strictly in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of pedestrian and highway safety and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC32 and DC36.

5.2.2 In the event that Members are minded to grant planning permission staff also recommend that the following Heads of Terms are included within a S106 legal agreement;

- A restriction on residents of the development, save for blue badge holders, applying for parking permits within the local area.

6. Conclusions:

6.1 In conclusion, the proposed partial change of use of this former car showroom to form a retail unit would bring back into use part of a building which has been vacant for two years. The proposed use is considered to be compatible with the surrounding area and is supported in principle by LDF Policy DC16. In view of this staff are of the view that the proposal would improve the vitality and viability of this part of The Drill Corner Minor Local Centre.

6.2 Staff raise no objection in principle to the provision of residential units to the upper floor of the building. Notwithstanding this concern is raised by the impact of the proposed upper floor roof extension in the street scene which staff consider would be contrary to Policy DC61. The proposed improvement works to the façade of the building are judged to be acceptable. The proposal is judged to be acceptable in respect of potential impact on adjoining residential properties subject to the imposition of planning conditions.

6.3 In respect of parking and highway matters the proposal would provide a lay by to the forecourt of the site which would be capable of accommodating delivery vehicles for the proposed retail unit. Staff are of the view that the proposed lay by would provide an acceptable means of servicing the site without causing obstruction to the highway. In respect of parking the proposal would provide no off street parking for the proposed retail unit however staff are of the view that this is acceptable having regard to the site specific circumstances. These include the presence of on street parking controls and the proximity to local bus routes.

6.4 A total of six parking spaces are proposed for the five upper floor flats. Whilst this would be a rate below that recommend in Policy DC2 staff consider this to be acceptable subject to the applicant entering into a legal agreement to prevent future occupiers from applying for residents parking permits in any current or future Controlled Parking Zone scheme.

6.5 Having regard to all material planning considerations, it is recommended that planning permission be refused.

IMPLICATIONS AND RISKS

Financial implications and risks:

A Section 106 planning agreement would be entered into in the event that planning permission is granted restricting residents from obtaining parking permits.

Legal implications and risks:

Legal resources will be required for the drafting the Section 106 agreement in the event that planning permission is granted.

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to Equalities and Diversity.

BACKGROUND PAPERS

Application form, plans and supporting statements received on 6th January 2011 with revised plans received on 4th February and 7th June 2011.

APPENDIX 1 - Report presented to Members at 21st July Committee

Call in:

This application has been called before the Committee at the request of Councillor Tebbutt.

Recommendation:

It is recommended that planning permission be refused for the reasons set out at the end of this report.

Background Information:

Members will be aware that planning permission was granted in March 2011 for the partial change of use of the former Heath Park Motor Company car showroom to form a retail unit. This current application seeks permission for the ground floor change of use element which has already been approved together with a change of use of the first floor to residential and the construction of a new second floor for residential use.

This application was previously reported to Committee on 3rd May but deferred at the request of Members in order that staff could invite the applicant to submit revised plans. Revised plans together with additional computer generated modelling plans were submitted on 7th June. The submitted revised plans propose changes to the appearance of the existing first floor of the building including the provision of a new parapet wall across the central portion of the building and the application of a light coloured render. Although depicted in a slightly different way on the revised plans the proposed upper floor roof extension would remain unaltered from that previously submitted.

At the time when this application was first submitted no occupier or tenant had been identified for the ground floor retail unit. It is now known that the unit will be occupied by Tesco and a separate application has recently been approved to allow store trading between 0700 and 2300 on any day (reference P0636.11).

Given the submission of revised plans and the approval of a separate application for opening hours staff have updated sections of this report to reflect these changes.

Site Description:

The application site is located on the western side of Brentwood Road, directly opposite The Drill Public House and in close proximity to The Drill roundabout. The application site is presently occupied by a two storey building which is currently vacant. Until early 2009 the building was occupied by the Heath Park Motor Company who used the ground floor as a showroom area with the upper floor being used as offices. The application site is loosely a triangular shape with the existing buildings on site covering almost the entire site.

Directly to the north of the site is the Drill Corner minor local centre (fronting Heath Park Road) which is formed of two storey terraced buildings with commercial uses at ground floor with residential flats above. To the rear the site is abutted by the

garden areas of residential dwellings also fronting onto Heath Park Road. To the south of the site along Brentwood Road the western side of the road is formed of two storey semi-detached housing. The western side of the road is formed by a further portion of the Drill Corner minor local centre with residential properties beyond. The application site is located on several bus routes and is within 5 minutes walk of Gidea Park Railway Station.

Description of Proposal:

This application seeks full planning permission for the partial change of use of the former car showroom to form a retail unit (Class A1), the change of use of first floor to form three residential units and construction of a second floor extension to form two residential units. The application also seeks permission for alterations to the façade of the building and an alteration of the front forecourt layout to provide a lay by.

The ground floor of the building was most recently a car showroom. This proposal would result in the building being split internally to form two separate units. Permission is sought to change the right hand unit nearest to The Drill roundabout into a retail shop of 381 square metres in area. At this stage the applicant has advised that no tenant has been identified. The remainder of the ground floor (the left hand unit) would be retained as a car showroom of 315 square metres in area.

To the front forecourt it is proposed the existing arrangement of dropped curbs would be reconfigured in order that a new lay by could be constructed. The proposed lay by is intended to enable servicing to take place without obstructing the highway. The proposed lay by would measure 22 metres in length and be capable of accommodating a delivery vehicle or four cars. The proposal would also see six parking spaces provided to the forecourt area. The applicant has advised that these spaces would be dedicated to the proposed upper floor flats.

The application seeks permission for a number of minor alterations to the façade of the building. These include the replacement of the existing doors and windows with modern variants, the application of render to a portion of the first floor and the provision of timber panelling above the entrance door to the first floor. The proposed upper roof extension would be sited over the front portion of the building and measure 24.7 metres in width by 6.2 metres in depth at the deepest point. The roof extension would appear in a mansard style with a height of 2.5 metres above the existing roof height. The proposed upper floor extension would be in two portions with the largest portion being set back from the building's façade by 0.6 metres. A smaller portion of the extension would be located towards the southern end of the building and set back from the façade by 2.7 metres.

The upper floor of the building is presently vacant but was formerly in office use. The proposal would see three flats provided to the existing first floor and two flats provided within the proposed second floor roof extension. 2no. two bedroom flats and 3 no. one bedroom flats are proposed.

Relevant History:

The application site has an extensive history relating to its occupation by the Heath Park Motor Company however none of these applications are of relevance to this proposal. The most recent application for this site was;

P0018.11 - Part change of use of former car showroom to form a Class A1 retail unit, alteration to front forecourt layout and the front facade of the building – Approved subject to conditions.

P0636.11 - Variation of condition 4 of P0018.11- to extend store trading hours between 7.00am to 11.00pm any day - Approved

Consultations/Representations:

Neighbour notification letters have been sent to 26 adjoining occupiers with three letters of representation being received. The letters raise objection to the application on the grounds of overlooking from the additional floor, lack of car parking, highway safety, additional noise and impact on existing local shops.

The Council's StreetCare Service raises no objection in respect of highway or parking issues.

The Council's Environmental Health Service raises no objection subject to planning conditions.

The Borough Crime Prevention Design Advisor advises that the proposals do not raise any significant crime prevention or designing for community safety issues but recommends that planning conditions are imposed.

Relevant Policies:

Relevant policies from Local Development Framework Core Strategy and Development Control Policies Development Plan Document are Policies CP4 (Town Centres), CP9 (Reducing the Need to Travel), CP10 (Sustainable Transport), CP17 (Design), DC32 (Road Network), DC33 (Car Parking), DC35 (Cycling), DC36 (Servicing), DC40 (Waste Recycling), DC55 (Noise), DC61 (Urban Design) and DC63 (Crime).

Policies 2A.8 (Town Centres), 3C.1 (Integrating Transport and Development), 3C.21 (Walking), 3C.22 (Cycling), 3C.23 (Parking Strategy), 3D.1 (Supporting Town Centres) and 4B.1 (Design Principles) of the London Plan are further material considerations, together with Government Planning Policy contained within Planning Policy Statement 1 (Delivering Sustainable Development), Planning Policy Statement 4 (Planning for Sustainable Economic Growth), Planning Policy Guidance Note 13 (Transport) and Planning Policy Guidance Note 24 (Planning and Noise).

Staff Comments:

The main issues to be considered by Members in this case are the principle of development, density and layout, design/street scene issues, amenity implications and parking and highways issues.

Principle of Development

The application site is designated in the Local Development Framework as falling within The Drill Corner Minor Local Centre. Policy DC16 advises that within the borough's Minor Local Centres retail uses and other uses appropriate to a shopping area will be granted planning permission. The proposed retail use would accord with the provisions of this policy and bring back into use part of a building which has been vacant for two years. Staff are of the view that the proposed use would compliment and support the existing shopping function of the local centre.

Government planning policy contained within PPS4 acknowledges that new retail uses can increase vitality and viability of local centres and meet the government's objectives for prosperous economies. Furthermore advice contained within PPS1 encourages Local Planning Authorities to actively ensure that vacant and underused land and buildings are brought back into beneficial use to achieve the targets the Government has set for development on previously developed land.

The proposal would also contribute to the objectives of the London Plan Policy 3D.1 for supporting town and local centres. Having regard to the above the proposal is broadly supported by national planning guidance providing all other material considerations are addressed.

The upper floor of the building is currently vacant but was most recently used as offices. Staff raise no objection to the loss of the existing offices as there is no policy presumption for them to be retained in this location. In respect of the proposed change of use to form residential units the Council has no policies covering the use of upper floors in local centre locations. The policy presumption outlined by Policy CP1 is such that new housing development is normally directed outside of allocated or designated areas. Notwithstanding this the provision of residential accommodation to the upper floors of local shopping parades is considered to be acceptable in principle having regard to Government guidance which seeks to encourage a variety of uses within town and local centres. Having regard to this staff also raise no objection in principle to the proposed upper floor extension also to form residential units. The proposal would contribute to the Mayor's London Plan objective of increasing the overall supply of housing.

Density and Layout

Policy DC2 seeks to guide a higher density of development to those parts of the Borough having good access to public transport. In this instance, the application site falls within the Gidea Park PTAL zone where a density of development of 30-65 units per hectare is anticipated. The proposal would result in a density of 45 units per hectare based on a site area of 0.11 hectares. The proposed density of development would fall comfortably within the identified range and as such is considered to be acceptable.

The proposal would see the first floor of the building converted to form three flats with the creation of a second floor extension to create a further two flats. In respect of the conversion element of the scheme consideration must be given to the provisions of Policy DC4 which sets out a number of criteria for proposals

involving conversions to form residential accommodation. Policy DC4 requires that each flat should be adequately sized, self-contained and with reasonable outlook and aspect.

The proposed flats are considered to be adequately sized and are self-contained. The flats have a reasonably open aspect and the attractiveness of these units as living accommodation would be a matter of choice for the prospective purchasers of the flats. The proposed internal layout is considered to be acceptable in terms of the stacking between the proposed first floor and second floor units. Concern is raised however by the fact that the living area for flat 2 would adjoin a bedroom within flat 1. Policy DC4 advises that the living rooms of new units should not abut the bedrooms of adjoining dwellings. Whilst this can be mitigated through soundproofing, it could nonetheless result in an unsatisfactory living environment. However, future residents would be aware of the situation prior to occupation. Staff are also mindful of the fact that a lower level of amenity is generally afforded to living accommodation in town and local centre locations where the environment is expected to be different to that of a purely residential area. As a matter of judgement, subject to a condition requiring sound attention, the proposal is considered to be acceptable in this respect.

The Council's SPD for Residential Design provides detailed guidance on the provision of amenity space within residential developments. For flatted developments the SPD seeks both communal amenity space and balconies. In this case the proposal would see the provision of five residential units above existing commercial premises within a local centre location. Given the location of the proposed flats, the units are unlikely to be occupied by families and future occupiers would not necessarily expect their own private amenity space. Consideration must also be given to Government guidance which encourages local authorities to be flexible with standards in order that residential accommodation can be provided in locations of this nature. Staff are of the view that the absence of amenity space is acceptable in this instance.

Design/Impact on Street scene

Given that the application building has been vacant for some time the exterior of the building has not benefited from regular maintenance resulting in the façade appearing tired. The proposal would result in the refurbishment of the existing building including the installation of new windows and doors, new shop fronts and the application of a render finish to the exterior walls at ground floor level and a portion of the first floor. No objection is raised to these works which would in staff's view enhance the appearance of the building. The submitted plans indicate a proposed signage zone on the front elevation of the building however any advertisements would be subject to separate application(s).

The proposal also involves the creation of an additional floor over the front portion of the building in the form of a mansard style roof extension. Policy DC61 advises that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. To this end proposals should respond to distinctive local building forms and patterns of development and respect the scale, massing and height of the surrounding

physical context. The character of the surrounding area is drawn predominantly from a mixture of two storey buildings with either flat or hipped roofs.

The subject building is presently of a comparable height to the adjoining two storey housing to the south owing to the ground floor ceiling height being higher than that of a residential building. The proposal would result in the upper floor extension being 1.5 metres taller than the adjoining semi-detached properties to the south at nos. 391 & 393 Brentwood Road and 1.9 metres taller than the existing buildings fronting Heath Park Road to the north. Staff acknowledge that the proposed additional floor has been designed in manner which would keep its overall height to a minimum. A consequence of this is however that the proposed upper floor would in staff's view fail to relate to the design and form of the existing building. The proposed upper floor would appear somewhat shallow in terms of height. Staff are of the view that the submitted revised plans do not address this concern.

The proposed extension would be set away from the southern end of the building in order to concentrate the bulk and mass of the new upper floor towards the centre of the building. Notwithstanding this staff are of the view that the proposed additional floor would appear at odds with the existing building and street scene. Staff are of the view that the proposed upper floor extension would be unacceptably harmful to the street scene thereby being contrary to Policy DC61. At the Committee on 3rd May Members questioned whether the proposed reason for refusal would stand up in the event of an appeal being lodged. It is for this reason that staff have amended the reason for refusal to more accurately reflect staff's concerns.

Staff acknowledge that planning permission has recently been given for a new flatted development on the eastern side of The Drill Roundabout which comprises a two storey building with pitched roof. Whilst this building is of fairly substantial width the height would be less than the proposed upper floor extension and the proposed pitched roof was judged to provide a more acceptable relationship with adjoining houses. The applicant has also drawn staff's attention to The Drill Public House as being a tall building in the vicinity of the site. Indeed a cross sectional drawing submitted with the application does show that the public house is taller than the proposed upper floor extension. The issue for staff is however not how high the resultant building would be but how it would be seen in the contest of the lower two storey buildings which it would adjoin.

Impact on Amenity

The committee report as presented to Members on 3rd May gave an analysis of the potential impact on residential amenity from proposed opening hours for the ground floor retail unit. Given that no occupier had been identified it was recommended that in event Members were minded to grant planning permission a condition be imposed restricting the opening of the retail unit between 0800 and 2100 on any day. Since this application was first presented to Members a separate planning application to vary the opening hours condition attached to application reference P0018.11 has been submitted by Tesco. This application (reference P0636.11) was subsequently approved allowing opening between 0700 and 2300 on any day. Were Members minded to grant this application it is

recommended that an hours of opening condition be imposed to mirror the condition imposed on P0636.11.

In view of the fact a tenant for the proposed retail unit is unknown at this stage a condition can be imposed to require details of any plant and machinery such as air-conditioning units or fridge cooling systems. In order to ensure that this equipment does not result in noise nuisance the condition stipulates a standard which any such equipment must meet.

The proposed additional floor would be positioned over the front portion of the existing building and as such would be largely removed from adjoining residential properties to the rear. The existing building is positioned directly onto the rear boundary shared with those properties fronting onto Heath Park Road. The proposed additional floor would be set back approximately 7 metres from the rear boundary and 17 metres from the nearest adjoining residential property. The proposed roof extension would be set back from the flank site boundaries and as such no material harm would result to the amenity of adjoining occupiers in Brentwood Road to the south. Having regard to the location of the additional floor and its separation staff are of view that this aspect of the proposal would not have a harmful impact on adjoining properties.

The proposed internal layout of the first and second floors has been designed for the most part with a corridor to the rear. The windows serving this corridor could be conditioned with obscure glazing to prevent views rearwards over adjoining garden areas. To the first floor flat 1 would have a rear facing bedroom and bathroom window with flat 3 having two rear facing kitchen windows. The proposed bathroom and kitchen windows could be conditioned with obscure glazing. In the case of the proposed bedroom window to flat 1 this would be located at the greatest distance from the rear site boundary and would primarily provide a view over the ground floor roof area. Staff are of the view that this window is acceptable and would not result in unacceptable levels of overlooking. In respect of the proposed second floor extension all rear facing windows would be capable of being conditioned with obscure glazing. The remainder of the windows to the upper floor of the building would have towards the street. Staff are of the view that the proposal would not result in a loss of privacy to adjoining occupiers.

Highway/Parking

Policy DC36 seeks to ensure that new developments, including changes of use, make adequate provision for servicing. The application site is located on Brentwood Road which is busy route through the area. Brentwood Road is subject to a fairly consistent amount of traffic throughout the day with the road forming the route of two bus services. Given the nature of the road and the location of the application site adjacent to The Drill roundabout on street servicing is not judged to be an ideal situation. Mindful of this the applicant has undertaken pre-application discussions with the Council's Highway Engineers and a new layby is proposed as part of this application. The proposed layby is intended for use by vehicles making deliveries to the proposed retail unit. Staff raise no objection to the provision of a layby in this location and consider that it would enable servicing of the retail unit to take place without obstructing the highway. In the event that this application were

to be approved the layby would, upon completion, be incorporated into the public highway allowing the Council to introduce any parking or loading restrictions deemed appropriate using its Highway powers.

Car parking standards contained within the LDF recommend the provision of one off street parking space per 30 square metres of floor space for a retail shop in a local centre location. The proposal would result in a retail floor space of 381 square metres which equates to a recommended maximum parking provision of 12 spaces. The proposal would provide no dedicated off street parking for the proposed retail unit however the proposed lay-by, as described above, would be capable of accommodating up to four cars during times when the layby is not required for a delivery.

The proposal would provide car parking at a rate below that recommended in the LDF. The Council's parking standards are maximum standards and as such it is appropriate to apply them flexibly having regard to site specific circumstances. Consideration should also be given to Government planning policy which encourages local planning authorities to be flexible with parking standards in areas where effective on-street parking control is present or can be secured.

Staff knowledge of retail shops of a comparable size to that proposed in other minor local centre locations is that the majority of customers arrive by foot as they are likely to live within close proximity of the shop. In reaching a conclusion on the acceptability of this proposal from a parking perspective staff have given consideration to a recent appeal decision for 77-79 Butts Green Road (application reference P1649.09). This application proposed the extension of an existing shop to form a Tesco Metro format store with the resultant floor space being comparable with this application. The appeal was dismissed based upon the impact of the extension on an adjoining property. In respect of parking the proposal made no provision for off street parking. In reaching a decision on the acceptability of the proposal the Inspector had regard to the location of the site being fairly well served by public transport and the availability of some on street parking opportunities in the wider area.

At the time of this application a study was undertaken by the Council's Highway Engineers of the existing Tesco Metro store at Ardleigh Green in order that some comparisons could be made. Staff are of the view that the findings of this study are useful in reaching a judgement on the acceptability of parking provision for this application. The Engineers observed the store for a half hour period on a weekday during which time it was observed that no customer arrived by car to purchase goods from the store.

The application site is located in an area where a number of parking controls are present. The section of Brentwood Road outside the application site is presently controlled by a single yellow line which applies Monday to Saturday between 0830 and 1830. Nearby roads including Heath Park Road, Slewins Lane, Manor Avenue and Balgores Lane are also subject to single yellow line parking restrictions at varying times of day. During periods when this restriction is in force the nearest potential on street parking available to customers is within Heath Park Road (58 metres from the site) or Manor Avenue (92 metres from the site) where there are

several blocks of parking bays. These parking bays are for disc parking only between the hours of 0800 and 1830 Monday to Saturday. Outside of these hours the bays are available for non disc holders. Having regard to the presence of on street parking controls staff are of the view that any potential on street parking would be adequately controlled. Were vehicles to park on street outside of these hours staff are of the view that this would not be materially harmful to the free flow of the public highway.

The retained portion of car showroom would not benefit from off street parking provision however this situation is no different to when the whole building operated as a car showroom for the Heath Park Motor Company. Given the relatively small scale of the retained showroom area deliveries of vehicles by transporter are unlikely to occur on a regular basis as they did when the Heath Park Motor Company occupied the entire building. When deliveries are made vehicles would be able to utilise the proposed lay-by or park on street (as previously) outside the hours of parking controls. Staff are of the view that the parking and servicing arrangements for the retained car showroom are acceptable.

The proposal would see the six parking spaces provided to the forecourt area dedicated to the proposed flats resulting in one space per unit plus one visitor space. Policy DC2 recommends the provision of 2-1.5 parking spaces per unit in this location. The proposed development would therefore provide parking at a ratio below that advised by Policy DC2. As explained above Government guidance contained within PPS3 places an emphasis upon a reduced need for car parking spaces and encourages local planning authorities to be flexible in allowing housing developments with limited or no off-street car parking in areas with good public transport accessibility and where effective on-street parking control is present or can be secured.

In this instance staff are of the view that a reduction in the parking standard would not be materially harmful in this location as there are existing on street parking controls in place as described above. The application site is also located on several bus routes and within walking distance of Gidea Park railway station. In the event that this application were being recommended for approval staff would seek that the applicant enters into a legal agreement to prevent future occupiers from applying for residents parking permits in any current or future Controlled Parking Zone scheme.

LDF Policy DC36 seeks to ensure that cycle parking is provided by applicant's in order encourage sustainable forms of transport. In this case whilst the applicant has not indicated cycle parking on the submitted plans however sufficient space would be available to the forecourt area for this to be provided. This could be secured via planning condition.

Other matters

Policy DC40 advises that planning permission will only be granted for developments where suitable waste and recycling storage facilities are provided. In this case the submitted plans indicate that dedicated internal refuse store areas would be provided accessed directly from the front of the building. Staff are of the

view that this arrangement is acceptable however further details could be secured via planning condition.

Conclusion:

In conclusion, the proposed partial change of use of this former car showroom to form a retail unit would bring back into use part of a building which has been vacant for two years. The proposed use is considered to be compatible with the surrounding area and is supported in principle by LDF Policy DC16. In view of this staff are of the view that the proposal would improve the vitality and viability of this part of The Drill Corner Minor Local Centre.

Staff are raise no objection in principle to the provision of residential units to the upper floor of the building. Notwithstanding this concern is raised by the impact of the proposed upper floor roof extension in the street scene which staff consider would be contrary to Policy DC61. The proposed improvement works to the façade of the building are judged to be acceptable. The proposal is judged to be acceptable in respect of potential impact on adjoining residential properties subject to the imposition of planning conditions.

In respect of parking and highway matters the proposal would provide a lay by to the forecourt of the site which would be capable of accommodating delivery vehicles for the proposed retail unit. Staff are of the view that the proposed lay by would provide an acceptable means of servicing the site without causing obstruction to the highway. In respect of parking the proposal would provide no off street parking for the proposed retail unit however staff are of the view that this is acceptable having regard to the site specific circumstances. These include the presence of on street parking controls and the proximity to local bus routes.

A total of six parking spaces are proposed for the five upper floor flats. Whilst this would be a rate below that recommend in Policy DC2 staff consider this to be acceptable subject to the applicant entering into a legal agreement to prevent future occupiers from applying for residents parking permits in any current or future Controlled Parking Zone scheme.

Having regard to all material planning considerations, it is recommended that planning permission be refused.