

## LONDON BOROUGH OF ENFIELD

### PLANNING COMMITTEE

Date : 26<sup>th</sup> April 2011

**Report of**  
Assistant Director, Planning &  
Environmental Protection

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**Ward:** Edmonton  
Green

**Application Number :** TP/10/1410

**Category:** Change of Use

**LOCATION:** 293 to 303 Fore Street, London, N9 0PD

**PROPOSAL:** Change of use from car sales and service workshops into a banqueting suite with ancillary offices, 3 retail units and a cafe involving a first floor extension, single storey rear extension, new entrance and external staircase at front, alterations to rear fenestration, installation of acoustic panels to first floor car park and replacement hard surfacing. (PART RETROSPECTIVE)

**Applicant Name & Address:**

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N9 8LR

**Agent Name & Address:**

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**RECOMMENDATION: REFUSAL**

## **1. Site and Surroundings**

- 1.1 The site is located on west side of Fore Street, Edmonton, between the junctions with Sebastopol Road and Station House Mews. It lies between, but not in, the Lower Edmonton and Upper Edmonton Conservation Areas and to the north of Upper Edmonton Town Centre. To the north of the site is Edmonton Mental Health Community Centre. The site has a PTAL of 4/5, is accessed off a principal road and within an area designated as Flood Zone 2. The site area is 0.37 Hectares
- 1.2 The site contains 2 blocks: the front block is part one, part two-storeys high while the rear block is single storey with a parking area on the roof.
- 1.3 The site's previous occupiers were Kia Motors who used the site as car showroom and service workshop. The applicant indicates that the use ceased on 01/01/2007. The current use, the subject of this application, commenced 01/05/2010.
- 1.4 To the south is a site with a valid permission for major residential development, the structural frame to which has largely been completed. David Foster of Genesis Housing Association indicates that the development is expected to be completed by mid-2011.

## **2. Proposal**

- 2.1 Permission is being sought, retrospectively, for the change of use of the premises from car sales and service workshop to a mixed use banqueting suite, three retail units and café/restaurant involving a first floor extension, a single storey rear extension, external cladding, new entrance and external staircase at front, alterations to rear fenestration, new entrance to first floor level at rear, acoustic panels to first floor car park and replacement hard surfacing.
- 2.2 The floor space for the development is 2,580sqm. Of that, the banqueting suite has an internal floor area of 1,115 sq m, the retail areas have a floor area of circa 180 sq m and the 56 cover café would have a floor area of circa 170 sq m.
- 2.3 There are 92 vehicular parking spaces (including 5 disabled) provided in 3 separate areas with 12 spaces at the front of the site adjacent to the retail units, 18 spaces at the rear of the site and 62 spaces on the first floor roof accessed via the existing ramp. The applicant indicates that a Valet Service will / is operating that will 'shuttle' patrons' vehicles to and from the first floor car park. However, since it has been operating this has not been the case.
- 2.4 Furthermore, the applicant has provided a copy of a ten year lease over land at No.285 Fore Street to provide staff parking for the Banqueting Suite. The applicant indicates that this car park has 30 spaces.
- 2.5 The pedestrian and vehicular access points are unchanged. There are 30 cycle parking spaces on-site.

- 2.6 The applicant indicates that there are 45 full-time equivalent staff, however they would not necessarily be on-site at any one time comprising 15 staff for the banqueting hall on event nights, 8-10 managerial, maintenance and cleaning staff, 25-30 part-time workers for maintenance and cleaning of the suite, a minimum of 10 staff for the retail units and 10 staff for security and control. Patron numbers for the banqueting suite only are restricted to 400.
- 2.8 The proposed operating hours are 09:00 - 23:00 Mondays to Sundays for all uses with dispersal by 00.00.

### **3. Relevant Planning Decisions**

- 3.1 TP/02/0004- Change of use of workshop from B2 (general industry) to A1 (retail) and change of use of showroom to A3 (restaurant) (Refused).
- 3.3 TP/02/0938- Change of use from workshop (B2) to retail (A1) involving two-storey side extension, first floor canopy, new shop front and external alterations. (Withdrawn Lapsed).
- 3.4 TP/09/0174- Change of use of existing building to Retail and storage. (Withdrawn).
- 3.5 TP/09/0480- Change of use of existing building to from car dealership to storage (B8) and retail (A1). (Withdrawn).
- 3.6 TP/09/1826- Change of use from car sales and service workshops into a banqueting suite and conference hall with ancillary offices, 3 retail units and a cafe involving a first floor extension, external cladding, new entrance and external staircase at front, alterations to rear fenestration, new entrance to first floor level at rear and replacement hard surfacing. Refused 28/09/2010.
- 3.7 In addition, following the decision in September 2010, a temporary stop notice was served on the use of the premises: this took effect on 6<sup>th</sup> October 2010.

### **4. Consultations**

#### **4.1 Statutory and non-statutory consultees**

- 4.1.1 Traffic and Transportation objects to the proposal on the basis of potential overspill kerbside parking being detrimental to highway safety and free flow of traffic.
- 4.1.2 Property Services confirm that they have agreed to the change of use in lease of part of these premises that is within the Council's freehold ownership and leased to Currie Motors.
- 4.1.3 Environmental Health object to the proposal on the basis of noise and disturbance to occupiers' of the flats currently being constructed at Nos. 289-291 Fore Street and surrounding residents.
- 4.1.4 Environment Agency raises no objection to the proposal.

#### **4.2 Public**

4.2.1 Consultation letters were sent to 79 neighbouring properties. In addition, a Notice was displayed at the site. Three responses have been received, which are summarised below:

- The Edmonton United Reformed Church based at Nos. 313-319 Fore Street object to the proposal due to increased parking problems, loss of off-street parking spaces at Community House as well as blocking of access to car park at Community House.
- The occupiers at No.10 Station House Mews objects on the basis that the use is not appropriate for the site, the parking pressure resulting from the use and the noise and disturbance resulting from the use.
- A member of the public objects on the basis that the premises is operating without the necessary permission.

## 5. Relevant Policy

### 5.1 London Plan

2A.1	Sustainability criteria
3C.3	Sustainable transport in London
3C.16	Tackling congestion and reducing traffic
3C.22	Improving conditions for cycling
3C.23	Parking Strategy
4A1- 4A.11	Sustainability and energy use
4B.1	Design Principles
4B.2	High-class Architecture
4B.3	Quality of Public Realm
4B.8	Respect Local Context and Character

### 5.2 Unitary Development Plan

(II)GD3	Aesthetics and functional design
(II)GD6	Traffic Generation
(II)GD8	Site access and servicing
(II)S17	Out of centre retail development
(II)CS1	Support a full range of facilities and services appropriate to the needs of the Borough
(II)CS3	Community services on Council land

### 5.3 Core Strategy

9	Supporting Community Cohesion
11	Recreation, Leisure, Culture and Arts
13	Promoting Economic Prosperity
16	Economic Success and Skills
18	Shopping Provision across Enfield
20	Energy Use
21	Water Use
24	Road Network
25	Pedestrians and Cyclists
26	Public Transport

28	Managing Flood Risk through Development
30	Built Environment
31	Built Heritage
32	Pollution
39	Edmonton
46	Infrastructure Contributions

#### 5.4 Other Material Considerations

PPS 1	Delivering Sustainable Development
PPS 1	Supplement
PPS 4	Planning for Sustainable Economic Growth
PPG 13	Transport
PPS 22	Renewable Energy
PPS 24	Planning and Noise
PPS 25	Development and Flood Risk

## 6. **Analysis**

### 6.1 Principle

6.1.1 Having regard to Core Strategy Policy 11, the Council seeks to support where appropriate, banqueting facilities and recognises the demand for such facilities within the Borough. Moreover, and with respect to PPS4: Planning for Sustainable Economic Growth and Core Policies 13 and 17, the scheme has brought back into use a vacant brownfield site as well as provided employment, which weighs in favour of scheme. Therefore, and having regard to Core Policy 30, the use of the land for such use could in principle prove acceptable. However acceptability will be dependant where such a development does not have an unduly detrimental impact on character of the area, neighbouring amenities or highway safety and the free flow of traffic.

### 6.2 Impact on character and appearance

6.2.1 It is considered that the external alterations / works including the first floor wood-clad extension, external cladding, external staircase, new entrances, alterations to the fenestration and new hard surfacing would not by virtue of their siting, size and design, have a detrimental impact on the character and appearance of the area. Furthermore it is considered that they would preserve the setting, character and appearance of the nearby Lower and Upper Edmonton Conservation Areas.

6.2.2 With regard to the proposed acoustic panels around the first floor open-air car park, their presence would be largely obscured from the street by the two-storey block at the front of the site and the nearly completed neighbouring residential block. It is considered therefore that in terms of the character and appearance of the locality, the panels would not harm the visual amenities of the area.

### 6.3 Impact on Amenities of Neighbouring Properties

6.3.1 A key issue is whether the nature, intensity and combination of the proposed uses along with the use of the first floor open car park, would have an undue detrimental effect on neighbouring occupiers' amenities due to the noise and general disturbance. This may be internal noise transmission arising from the

uses within the building; pedestrian or vehicular movements/activity, including servicing vehicles, and activity arising from patrons entering and leaving the premises particularly late at night; light nuisance from the security lights; and, noise and smells from the kitchen extractor duct and fans and air conditioning units.

- 6.3.2 Environmental Health in assessing the proposal, and having regard to the Noise Impact Assessment and Report on the Noise Survey, considers that adequate noise mitigation measures have been proposed to ensure that noise transmission from within the premises to surrounding properties would not unduly affect the amenities of these occupiers. A condition could be attached requiring that all the measures indicated in the application documents to be fully carried out.
- 6.3.3 The pedestrian entrances/exits to the site as well as to the banqueting suite, café/restaurant and retail shops are such that the likely movements of pedestrians would be well away from the south and west boundaries that are closest to residential properties. Consequently, it is considered that pedestrian movements in and out of the site would not cause undue harm to the amenities of neighbouring occupiers. Furthermore, and in the judgement of Environmental Health, smokers congregating outside the building are unlikely to cause noise and disturbance that would result in a significant loss of amenity to neighbouring residents.
- 6.3.4 It is considered that the external lighting (locations of which are shown on plan no. 0917 P 2E) could be adequately controlled through a condition, in particular in relation to their hours of operation, luminosity and 'spillage.'
- 6.3.4 The first floor car park (62 spaces) is situated on south-western boundary and is an open-air car park. It is accessed by a ramp situated to the rear on the south-western boundary. Therefore this access road would potentially be used by a maximum of 62 vehicles and 124 movements.
- 6.3.5 The adjacent site to the south is 289/291 Fore Street. Genesis Housing Group have largely completed a part 4, part 5 storey block of 25 residential flats on this land. The flats facing westwards have recessed balconies. The building has a staggered rear building line and so the distance between these flats and the open air car park varies between four, nine and fourteen metres. Some of these facing rooms are bedrooms, others are lounges and kitchens.
- 6.3.6 Given the function of the banqueting suite, and the maximum number of patrons proposed, it is considered that there would be a significant degree of activity around the roof level car park at the end of the social events involving people congregating, talking, laughing, shouting as well as the opening and shutting of car doors and starting, reversing and manoeuvring of vehicles. It is considered given the proximity to the neighbouring residential development, will cause undue noise and disturbance to the future occupiers' of the flats at Nos.289/291 Fore Street.
- 6.3.7 Environmental Health have considered the impact of the acoustic panels on mitigating this noise, including the submitted technical information. However, it is concluded that there would be noise breakout above the panels and, in any case, the panels would not mitigate noise to the flats in higher levels (particularly those with a direct line of sight to the car park).

6.3.8 Notwithstanding the above conclusion, it is noted that the acoustic panels would mitigate the light pollution caused to the occupiers of neighbouring flats by the vehicle headlights using the open air car park. Despite this, the presence of these panels would have the effect of increasing the height of the building by 3m high along the eastern and south edge of the car park and access ramp. The effect of this would be to increase the sense of enclosure to the neighbouring residential development leading to a loss of light and outlook as well as harm to the visual amenities of the neighbouring residential development particularly the ground floor flats of the development at No.289/291 Fore Street, but also the first floor flats at the same development and the ground floor flats at Nos. 40-68 Solomon Avenue.

#### 6.4 Access, parking and traffic, cycling and refuse & re-cycling

##### *Vehicular and Pedestrian Access*

6.4.1 The scheme includes an automatic, CCTV controlled system which will be installed at the entrance to the site to control access. However, it will not operate during the operational hours to ensure that there is no delay to vehicles entering the site. The proposed barrier will only be in place outside of operational hours as a security measure. It is also proposed that the southern access will be entry and exit for all vehicle types whilst the northern access will be exit only. Service vehicles, taxis and cars will be able to use this one-way loop arrangement for drop off/pick up operations.

6.4.2 The internal layout is considered to provide adequate pedestrian accessibility as there will be an internal footpath that links the retail units, café, banqueting hall, toilets, kitchen and car park areas to the external footway network at the north eastern corner of the site.

##### *Emergency access and servicing / refuse*

6.4.3 Servicing for the banqueting hall and café/restaurant will be undertaken on site with vehicles entering via the main entrance on Fore Street, driving through to the car park on the eastern side of the site, loading/unloading, turning round in the car park area and driving out the same route in forward gear. Servicing to this part of the site will only occur during the hours of 08:00-16:00 hours when cars will not be allowed to park in this area to facilitate turning movements. Servicing for the retail element of the site will occur off highway from the frontage of the units with refuse collection being undertaken from the bin store located opposite the retail units at the western side of the site. Service vehicles can access this section of the site by using the one-way loop via the entrance/exit to/from Fore Street.

6.4.4 The four refuse bins in the rear car park will be wheeled by staff to the front of the site to be collected in the same way as the bins for the retail units. It is also envisaged that servicing and delivery vehicles would be no larger than 10m rigid goods vehicles. The majority of deliveries to the banqueting hall will be via transit vans as they will be for catering at events.

6.4.5 It is considered that there is sufficient space within the site for such vehicles to enter, safely manoeuvre without affecting the operation of the site and then exit in a forward gear and therefore subject to appropriate conditions the refuse provision, servicing and emergency access is acceptable. Three cycle

parking spaces will be located adjacent to the security kiosk, under the car parking ramp and in the northern corner of the site. It is considered, subject to condition, that the cycle parking provision is acceptable.

*Trip generation*

6.4.6 In order to predict the traffic generated by the existing car showroom, TRICS 20010(a) database has been interrogated and the following information obtained:

Period	Am Peak (08:00-09:00 am)			PM Peak (17:00-18:00 pm)		
	Arrive	Depart	Two-way	Arrive	Depart	Two-Way
Trip Generation	17	5	22	6	15	21

The total Proposed Trip Generation indicated by the applicant is contained in the table below:

Period	Am Peak (08:00-09:00 am)			PM Peak (17:00-18:00 pm)		
	Arrive	Depart	Two-way	Arrive	Depart	Two-Way
Trip Generation	13	7	20	8	10	18

*Staff Travel Plan*

6.4.7 As there is no modal split information available for a number of the proposed uses in either the TRICS or TRAVL databases to enable a direct comparison, it has been agreed that the modal shift targets will be based on the survey of staff when the site is operational and the targets will be refined. The Travel Plan will therefore need to include an Action Plan that sets out the programme for the implementation of measures and who will responsible for their implementation.

*Car Parking*

6.4.8 There is a concern that the number of parking spaces proposed are insufficient to cater for the demand. Whilst the car parking for three small retail units is believed to be appropriate (12 parking spaces at front), it is considered that the same cannot be applied to the proposed banqueting unit and the café/restaurant unit: this unit by offering 56 seats could also have a potential to attract a considerable number of customers and would operate at the same time as the banqueting suite.

6.4.9 It is proposed that the overall level of parking for the banqueting hall is to be 92 spaces. The assumption made by the applicant that '60% of guests will arrive by car, 20% by taxi and 20% by public transport' is not based on any strong evidence therefore it is difficult to predict/ensure that this is what will happen.

6.4.10 Even based on the above assumption that 60% (out of 400) of guests will arrive by car the following scenarios could potentially take place:

- 1) 240 car trips (no car sharing)
- 2) 2 people would car share, which equates to 120 car trips



3) 3 people would car share, which equates to 80 car trips,

This means that in some cases a parking shortfall of between 28 and 148 vehicles would need to be accommodated on street.

#### *Parking survey-public car parks*

- 6.4.11 A car park usage survey has been undertaken by the Applicant on Thursday 29<sup>th</sup> July 2010 for the following public car parks:
- Trafalgar Place Car Park- located 750m (9min walking) from the proposed site
  - Raynham Road Car Park-located 650m (8min) from the proposed site
  - Fairfield Road Car Park-400m (4min) from the proposed site
  - Lion Road Car park- 850m (10m) from the proposed site

The survey results confirmed that the closest car park (Fairfield Road) had only 5 car parking spaces available on that day.

#### *Parking survey-on street*

- 6.4.12 The survey revealed that the occupancy of the closest streets is in fact the highest (Sebastopol Road-95% occupancy, Fore Street South-100% occupancy). Moreover, taking into account the nature of the proposed banqueting suite (weddings) it is considered unrealistic that guests would walk 750m or 850m from the car park to the site. It is more likely that guests unfamiliar with the area will take the opportunity to park as close to the site as possible. This could have a detrimental effect upon the highway safety particularly along Fore Street (South) and Sebastopol Road which as the parking surveys revealed are already heavily parked with negligible scope to accommodate for the parking.
- 6.4.13 Therefore the scale of the proposals and the combination of uses gives concern in traffic and transportation terms if 400 people are to use the banqueting facilities (plus others using the further uses/floorspace proposed). Notwithstanding the likely traffic generation, there could be a particular risk of problems from inadequate off-street parking.

#### *Conclusion*

- 6.4.14 In the light of the above highway considerations, it is considered that the insufficient car parking provision is a fundamental concern as it will have a negative impact on the surrounding highway network and as a result, there is an objection to the scheme on this ground

### 6.5 Retail and café/restaurant element

- 6.5.1 The scheme seeks to introduce three Class A1 retail premises (flower shop, hairdressers and photography studio) with a combined floor space of 183sq m and a 56 cover Class A3 café/restaurant with a floor space of 171 sq m. The site is situated 85m from the Upper Edmonton Town Centre and is in an area of mixed Class C (residential) and Class D (non-residential) uses. Policies (I)S2, (I)S3 and (II)S2 seeks to maintain and enhance the role of Town Centres (including Upper Edmonton Town Centre) with particular regard to their viability and vitality. Therefore regard needs to be given as to whether the

proposed introduction of Class A1 and A3 uses would draw custom from the Town Centre and harm its viability and vitality. Given the relatively modest size of the proposed Class A1 floor space, the proposal is not considered to be of a scale that would detract from the viability or vitality of the Town Centre.

6.5.2 Core Policy 30 seeks to support proposals only where they are in an appropriate location. In assessing the retail and café / restaurant element of the scheme, the varied composition and mixed character of the area must be noted. It is therefore considered that as it is located on a busy classified road these elements of the proposal are acceptable.

## 6.6 Flood Risk and SUDS

6.6.1 The Environment Agency has raised no objections to the proposal on basis of the premises being at undue risk of flooding.

6.6.2 No information has been submitted to demonstrate that the relayed hard surfacing has been constructed in a manner that ensures that the risk and severity of downstream flooding has/ will be adequately mitigated.

6.6.3 The Council has suggested to the applicant that if a scheme demonstrates that the additional flood risk created by the relayed surface has been offset by some other means on the site, that this would be acceptable. However no information has been forthcoming in this respect. An objection therefore remains in connection with this issue

## 7. **Conclusion**

7.1. The proposal by virtue of the nature and intensity of the combination of uses would lead to overspill parking on the kerbside that would be to the detriment of highway safety and the free flow of traffic while the use of the open-air first floor car park would result in unacceptable levels of noise and disturbance to the future neighbouring occupiers at Nos. 289 & 291 Fore Street and residents at Nos. 40 to 68 Solomon Avenue. Furthermore, insufficient information has been demonstrated to show how the relayed hard standing will be / has been constructed from porous or permeable materials and therefore the development does not adequately mitigate downstream flooding. Thus it is considered that the harm identified above, outweighs the benefits of the scheme in terms of reusing a vacant building and providing employment and investment in the area.

7.2. It is therefore recommended that planning permission be refused

## 8.0 **Recommendation**

8.1 That planning permission be REFUSED for the following reasons

1. The proposal, by virtue of its scale and combination of uses, prejudices the ability of the site to satisfactorily provide adequate parking for the uses and results in on-street parking in the surrounding roads, leading to an unacceptable increase in kerbside parking to the detriment of the safety and the free flow of traffic on the highway. This

is contrary to Core Strategy Policy 24, London Plan Policy 3C.23, PPG13 and Policies (II) GD6 and (II) GD8 of the Unitary Development Plan, which seeks to ensure that such changes of use comply with the Council's standards and do not give rise to on-street parking which could be hazardous, cause congestion or have an adverse impact on safety and free flow of traffic on the surrounding highways.

2. The use of the first floor open air car park would give rise to undue noise and disturbance to the future occupiers' of the flats currently being constructed at Nos. 289-291 Fore Street to the detriment of their residential amenities, contrary to Core Strategy Policies 30 and 32 and Planning Policy Guidance 24: Planning and Noise as well as having regard to Supplementary Planning Guidance: Local Centres.
3. The proposed 3m high acoustic panels along the eastern and south edge of the car park and access ramp would, by virtue of their height, design and siting, result in a sense enclosure and loss of light and outlook to, as well as harm to the visual amenities of, particularly the ground floor flats of the development at No.289/291 Fore Street, but also the first floor flats at the same development and the ground floor flats at Nos. 40-68 Solomon Avenue. This would be contrary to Policy 30 of the Core Strategy and to the principles set out in Policy (II) H12 and Appendix A1.8 of the Unitary Development Plan.
4. The replacement hard surface has been constructed of non-porous materials and no provision has been made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the premises. Therefore, it is considered that the proposal does not adequately mitigate the risk and severity of down-stream flash flooding resulting from surface water falling on the hard surfaced area, contrary to Core Strategy Policies 28 and 32 and national guidance PPS: 1 Delivering Sustainable Development, Planning, Climate Change supplement to PPS: 1 and PPS: 25 Development and Flood Risk.