



**REGULATORY
SERVICES
COMMITTEE**

REPORT

8 December 2011

Subject Heading:

**P1376.11: 23-27 High Street,
Hornchurch**

**Restoration of existing building and
conversion of the ground floor to a
dentists surgery. Construction of a
detached block to the rear of the site
comprising 4 two bedroom flats
(application received 20/10/11)**

Report Author and contact details:

**Helen Oakerbee 01708 432800
Helen.oakerbee@havering.gov.uk**

Policy context:

**Local Development Framework
London Plan, Planning Policy
Statements/Guidance Notes**

Financial summary:

None

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

- | | |
|--|-------------------------------------|
| Clean, safe and green borough | <input type="checkbox"/> |
| Excellence in education and learning | <input type="checkbox"/> |
| Opportunities for all through economic, social and cultural activity | <input checked="" 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

The application is for the restoration of the existing building and the conversion of the ground floor to a dentist's surgery. The proposal also involves the construction of a detached block to the rear of the site comprising 4 two bedroom apartments. The proposal is considered to be acceptable in all material respects, subject to a legal agreement and conditions and it is recommended that planning permission is granted.

RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £12,000 towards highway improvements within the vicinity of the site in accordance with Policy DC32 of the LDF Development Control Policies Development Plan Document.
- Payment of the Council's legal fees associated with the preparation of the agreement.
- All contributions will be subject to indexation using the appropriate Index. All contributions to be spent within 7 years of receipt of the final payment relating to the specified contributions and to include any interest earned prior to spending.

That staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below.

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. Number of parking spaces

Before the building(s) hereby permitted is first occupied, provision shall be made within the site for 7 car parking spaces and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

To ensure that adequate car parking provision is made off street in the interests of highway safety.

3. Loading

Before the building(s) hereby permitted is first occupied, a properly hardened area shall be provided within the curtilage of the site for the loading, unloading and turning of vehicle, in accordance with details previously submitted to and agreed in writing by the Local Planning Authority. Thereafter such provision 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 (including fuel) from vehicles arriving at or departing from the premises shall be carried out otherwise than within such area. There shall be no storage of goods or other obstructions within the approved area without prior consent in writing of the Local Planning Authority.

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 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 building(s) shall be submitted to and approved in writing by the Local Planning Authority and 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 that the Development Control Policies Development Plan Document Policy DC61.

5. Landscaping

No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of

development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

Reason:-

In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

6. Sight lines

Clear and unobstructed visibility sight lines shall be provided to the satisfaction of the Local Planning Authority in the position and for the distance 2.1m by 2.1m from the public footpath. The approved sight lines shall be kept permanently unobstructed thereafter to the satisfaction of the Local Planning Authority.

Reason:-

In the interests of highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC32.

7. Hours of use

The Dentists Surgery shall not be used for the purposes hereby permitted other than between the hours of 9am and 6pm on Mondays to Fridays and 08.00 to 13.00 hours on Saturdays and not at all on Sundays, Bank or Public holidays 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.

8. 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 Development Control Policies Development Plan Document Policy DC61.

9. Obscure with fanlight openings only

The proposed windows in the western elevation of the upper floor to the dentist surgery shall be permanently glazed with obscure glass and with the exception of top hung fanlight(s) shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority.

Reason:-

In the interests of privacy, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

10. Soundproofing

The buildings shall be so constructed as to provide sound attenuation of not less than 45 d.B (A) against the internally generated airborne noise and 62d.B (A) 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.

11. Restriction of use

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 the ground floor use of the building to the site frontage shall be for Dental Surgery purposes only and shall exclude all other uses whatsoever, including any other use in Class D1 of the Order, without prior consent in writing of the Local Planning Authority.

Reason:

To restrict the use of the premises to one compatible with the surrounding area and to enable the Local Planning Authority to exercise control over any future use not forming part of this application, and that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

12. Wheel washing

Before the development hereby permitted is first commenced, details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be permanently retained

and used at relevant entrances to the site throughout the course of construction works.

Reason:-

In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC32.

13. Hours of construction

No construction works or 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 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 Development Control Policies Development Plan Document Policy DC61.

14. 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 Authorities;
- g) siting and design of temporary buildings;
- h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- i) 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 the Development Control Policies Development Plan Document Policy DC61.

15. Works to 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.

16. Cycle parking

Prior to the first occupation of any of the dwellings, secure cycle parking space shall be made available within the site for the parking of bicycles, as shown on the plans hereby approved, in accordance with standards contained within the Core Strategy and Development Control Policies Development Plan Document. Thereafter, the cycle parking facilities shall be permanently retained.

Reason:

In the interests of promoting alternative, sustainable means of travel to and from the site.

17. Waste Management Scheme

Prior to the first occupation of any of the residential dwellings hereby permitted a waste management scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme, which shall thereafter be permanently maintained, shall include details of the method and location of refuse storage and recycling, together with arrangements for refuse disposal on collection days. At all times, including collection day, all refuse shall be properly contained within the site and shall not be stored or deposited elsewhere unless previously agreed in writing by the Local Planning Authority.

Reason:

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

18. Waste management - surgery

Prior to the first occupation of the dentists surgery hereby permitted a waste management scheme for dealing with all waste generated by the surgery shall be submitted to and approved in writing by the Local Planning Authority. The scheme, which shall thereafter be permanently maintained, shall include details of recycling and the method of refuse storage together with arrangements for refuse disposal. All refuse shall be properly contained within the approved facility and shall not be stored or deposited elsewhere unless previously agreed in writing by the Local Planning Authority.

Reason:

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

19. Secured by Design

Prior to the commencement of the development hereby permitted, a full and detailed application for the Secured by Design scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the aforementioned scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Havering Crime Prevention Design Advisor, the development shall be carried out in accordance with the agreed details.

Reason:

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

20. Contaminated Land

Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority:

a) A Phase I (Desktop Study) Report documenting the history of this site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.

b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

c) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise of two parts:

Part A - Remediation Scheme which will be fully implemented before it is first occupied. Any variation to the scheme shall be agreed in writing to the Local Planning Authority in advance of works being undertaken. The Remediation Scheme is to include consideration and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

Part B - Following completion of the remediation works a "Validation Report" must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the Local Planning Authority; and

e) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

For further guidance see the leaflet titled, Land Contamination and the Planning Process.

Reason:

To protect those engaged in construction and occupation of the development from potential contamination.

21. Boundary Treatment

Prior to the commencement of the development hereby approved, details of the proposed boundary treatment shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out and completed in accordance with the agreed details, which shall be retained permanently thereafter to the satisfaction of the Local Planning Authority.

Reason:

In the interests of privacy and amenity and to ensure a safe and secure development.

22. External Lighting

Prior to the commencement of the development hereby approved, details of any external lighting to the site shall be submitted to and agreed in writing by the Local Planning Authority. The external lighting shall then be installed in accordance with the agreed details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

Reason:

In the interests of amenity and site security.

23. Parking Management Strategy

Prior to first occupation of the development hereby permitted, a parking management strategy including details of allocation of spaces to both the D1 and C3 use shall be submitted to and agreed in writing by the Local Planning Authority. The strategy should further ensure that no vehicles shall be parked at the front of the premises and that the forecourt shall remain permanently unobstructed at all times. Thereafter this provision shall be made permanently available for use in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that adequate car parking provision is made available off street in the interests of highway safety and amenities of the prospective occupants.

24. Traffic Management System

Prior to first occupation of the development hereby permitted, a traffic light based management system for vehicles using the car park and driveway shall be installed in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The system shall be retained permanently thereafter in strict accordance with the approved details.

Reason: In the interests of highway safety and that the development accords with Policy DC32 of the LDF Development Control Policies DPD.

INFORMATIVES:

1. Reason for Approval:

It is considered that the proposal satisfies the relevant criteria of Policies CP1, CP2, CP4, CP9, CP10, CP17, DC2, DC3, DC4, DC16, DC32, DC34, DC35, DC36, DC40, DC51, DC55, DC56, DC61, DC62, DC63 and DC72 of the Core Strategy and Development Control Policies Development Plan Document together with Policies 2A.1, 2A.8, 3A.1, 3A.2, 3A.3, 3A.4, 3A.5, 3A.6, 3A.20, 3A.21, 3C.1, 3C.19, 3C.23, 3D.1, 4A.20, 4B.1, 4B.3, 4B.5 and 4B.6 of the London Plan. The proposals, although not strictly in accordance with Policy DC33 are considered an appropriate

use within this location and would add to and improve on the vitality and viability of the Hornchurch District Centre generally.

2. The developer should ensure that highway outside the site affected by the construction works are kept in a clean and tidy condition otherwise action may be taken under the Highways Act.

3. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic and Engineering on 01708 433750 to commence the Submission / Licence Approval process.

4. In aiming to satisfy condition 19 the applicant should seek the advice of the Police Crime Prevention Design Advisor. He can be contacted through the London Borough of Havering Development and Building Control or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ.

5. In order to comply with the Chronically Sick and Disabled Persons Act 1970, (as amended in 1976) and the Disabled Persons Act 1981, the access to the commercial unit hereby granted permission should not incorporate any raised threshold, and all doorways should be of sufficient width and of design, to enable easy access for wheelchairs and double buggies etc. The purpose of the legislation is to ensure that buildings, which the public have access to, should have entrances and exits designed to enable easy passage by people with disabilities, the elderly and infirm and people with small children.

6. There are public sewers crossing the site and no building works will be permitted within 3 metres of the sewers without Thames Water's approval. Should a building over/diversion application form or other information relating to Thames Waters assets be required, the applicant should contact Thames Water Developer Services on 0845 850 2777.

7. Planning Obligations

The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A

fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) is needed.

REPORT DETAIL

1. Site Description

- 1.1 The application site is a rectangular parcel of land covering an area of 0.076 hectares located on the northern side of High Street, Hornchurch. The application site includes the comprehensive site area of properties at No's 23 to 27 High Street which comprises three retail shop units and first floor flats. The two storey terrace block is currently vacant and is in a poor state of disrepair. Ground levels are generally flat and set lower than adjacent properties to the rear of the site. The site is not currently served by any access roads.
- 1.2 To the north are bungalows and to the northwest are semi detached two storey residential properties with the Mecca Bingo building to the east. To the west is the Hornchurch Methodist Church and on the opposite side of the road to the south is a mix of two storey residential properties. Flatted developments can be seen opposite the site on the corner of the junction between High Street and Abbs Cross Gardens, as well as behind the two storey houses facing High Street at Victor Approach.
- 1.3 The site is located within Hornchurch District Centre and does not form part of any other designated policy area as identified within the Local Development Framework Proposals Map.

2. Description of Proposal

- 2.1 Permission is sought to restore the existing premises on site, creating a dentist surgery at ground floor and retaining the three flats at first floor level. In addition to the restoration of the existing building a detached block is proposed to the rear of the dwelling comprising 4 No. 2 bedroom self contained flats.
- 2.2 The D1 dental surgery is proposed at ground floor level occupying approximately 161sq.m of commercial floorspace. This is a reduction of that which was previously approved under P0929.09. The unit would contain 5 consulting rooms, staff room, a secure clinical waste store, office sterile room, x-ray room and suitable toilet facilities. The surgery would employ 3 dentists and 3 hygienists (all of whom will be part time) 3 dental hygienists and 2 receptionists. Opening hours proposed will be between 09:00am and 06:00pm on Mondays to Fridays.
- 2.3 The new block of flats to the rear would be 16m wide, 10.8m deep and approximately 6.8m high to the roof ridge. The proposed flats would be

constructed over two floors consisting of 2 No. flats each to the first and second floor. To the rear of the proposed block will be a total of 126 square metres of communal garden space for the use of the flats. The detailed design of this space will be reserved for future consideration by condition, as will any additional boundary treatment. Car parking would be provided for 7 vehicles of which 4 spaces would be allocated to the new block of flats. In addition to the car parking there would also be secure parking for 4 cycles to the rear and additional stands to the front of the building.

- 2.4 The vehicular access to the site would be from Hornchurch High Street leading to the surface car park at the rear. The parking would be allocated to both the commercial and residential elements of the site. A passing place and 4 pedestrian safety bollards are proposed adjoining the vehicular access. The scheme would further be serviced by a bin storage area to the side of the block of flats.

3. Relevant History

- 3.1 A0050.02 1 x double sided freestanding advertisement display unit - retrospective - Approved (relates to no. 23 High Street).
- 3.2 P2044.08 Demolition of existing shops with flats over and erection of new D1 commercial unit with 8 flats over and an associated basement car park - Approved.
- 3.3 P0929.09 - Demolition of existing shops with flats over and erection of new D1 commercial units with 8 flats over and surface car parking and roof terrace - Approved with Conditions.
- 3.4 P0741.11 - Restoration of existing building creating dentist surgery on ground floor, with 3 no. self contained apartments over. Extensions to the rear incorporating 5 no. apartments with associated car parking - Withdrawn
- 3.5 P0784.11 - Restoration of existing building and conversion of the ground floor to a dentists surgery. Construction of a detached block to the rear of the site comprising 5 two bedroom apartments - Refused by Regulatory Services Committee on 25/08/2011

4. Consultations/Representations

- 4.1 65 neighbouring and nearby properties were notified of the application by individual letters. Two letters of representation have been received, one in support and one objecting to the proposal on the grounds of overlooking and noise pollution.
- 4.2 Thames Water states that no building works will be permitted within 3 metres of the existing public sewers and requires a separate building over/diversion application.

- 4.3 The Crime Prevention Design Adviser raises no objection to the application subject to 'Secure by Design' conditions.
- 4.4 Environmental Health requested noise conditions and further site investigations for potential soil contaminants and pollutants.
- 4.5 Highways have no objection to the proposal provided that a planning obligation in the form of a section 106 agreement totalling £12,000 is provided.

5. Relevant Policies

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP4 (Town Centres), CP9 (Reducing the need to Travel), CP10 (Sustainable Transport), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC4 (Conversions to Residential and Subdivision of Residential Uses), DC16 (Core and Fringe Frontages in District and Local Centres), DC32 (Road Network), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC40 (Waste Recycling), DC51 (Water Supply, Drainage and Quality), DC55 (Noise), DC56 (Light), DC61 (Urban Design), DC62 (Access), DC63 (Crime) and DC72 (Planning Obligations) of the Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.
- 5.2 The Residential Extensions and Alterations SPD is also considered to be relevant.
- 5.3 Policies 2.15 (town centres), 3.2 (improving health), 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.17 (health and social care facilities), 6.1 (strategic transport approach), 6.9 (cycling), 6.10 (walking), 6.12 (road network capacity), 6.13 (parking), 7.2 (inclusive environment), 7.3 (designing out crime), 7.4 (local character), 7.5 (public realm), 7.6 (architecture) and 7.15 (reducing noise and enhancing soundscapes) of the London Plan July 2011 are further material considerations, together with PPS1 (Delivering Sustainable Development), PPS3 (Housing) and PPG13 (Transport).

6. Staff Comments

- 6.1 The main considerations in this case are the principle of a mixed use residential/commercial development, the impact of the development in the street scene, impact on the amenities of adjoining occupiers, amenity space, highway and parking issues.
- 6.2 Background
 - 6.2.1 On 25 June 2008 the Regulatory Services Committee granted planning permission under application P2044.08 for a scheme which involved the demolition of the existing building on the site and its replacement by a

building with basement car parking, ground floor D1 use and two floors of 8 flats (6 x 1 bedroom and 2 x 2 bedroom)

6.2.2 A second application under P0929.09 was approved on 28 August 2010. This application was similar to the previous application but with surface car parking rather than basement parking.

6.2.3 A third application under P0784.11 was significantly different from the previous approval and was refused planning permission by the Regulatory Services Committee for the following reason: The proposal, by reason of the width, bulk, massing and design of the building to the rear of the site, would be a visually intrusive development and would appear as an overbearing addition from within the rear garden environment to the north of the site, and would be materially harmful to local character and neighbouring residential amenity.

6.2.4 The current scheme proposes a significant reduction in the bulk and size of the building to the rear of the site. The acceptability of these changes will be evaluated later in this report.

6.3 Principle of development

6.3.1 This site is identified in the LDF Proposals Map as forming part of the fringe area of the Hornchurch District Centre.

6.3.2 Policy DC16 in the LDF Development Control Policies DPD states that non retail uses in fringe areas will be granted at ground level provided that the use has an active frontage, is open during shopping hours and would not significantly harm the character, function and vitality and viability of the centre.

6.3.3 It is acknowledged that the existing commercial premises at ground floor are currently vacant and the Applicant advises that they have been for over 7 years. The building is in a poor state, is not considered to be of any special architectural merit and does not compliment the existing streetscene. No objections are therefore raised in principle to its redevelopment.

6.3.4 It is considered that the proposed D1 service use on the ground floor would add to the vitality and viability of this part of the centre. The practise would be open during normal shopping hours (9am to 6pm on Mondays to Fridays) and would provide a new active frontage. Policy 3.17 of the London Plan supports the provision of social and health care facilities, particularly in areas of easy accessibility..

6.3.5 Policy CP1 of the LDF Core Strategy promotes housing development on brownfield land, high density mixed use development within District Centres and bringing vacant properties back into use. The principle of residential use above ground floor commercial units has already been established by the former residential units on the first floors of the building as well as buildings

further along the High Street. The site is therefore suitable for housing development and consistent with Policy CP1.

- 6.3.6 The provision of additional housing is consistent with PPS3 as the development is re-using urban land. Furthermore, the proposal is in accordance with Policy 3.3 of the London Plan which seeks to increase London's supply of housing.
- 6.3.7 The site does not form part of any other pertinent policy designation that would prevent the proposed mixed use development of the site. The principle of residential/commercial D1 use is therefore considered acceptable in land-use terms

6.4 Density/Site Layout

- 6.4.1 In density terms Policy DC2 identifies the application site as ranked within a Public Transport Accessibility Level Zone (PTAL) of 3-4, with the density recommendation being 50-110 units per hectare. The proposed development would result in 87.5 units per hectare based on the 0.08ha site area. This is within the range anticipated. However, density is just one yardstick against which a scheme should be judged.
- 6.4.2 In layout terms the buildings would be set off from the common boundary with the Mecca Bingo Club and no. 29 High Street and separated from these neighbours by a driveway. The proposed block of flats would also be set in 6m from the rear boundary of the site at its closest point and 5.75m and 4m from the Bingo Hall and Church respectively.
- 6.4.3 No concerns are therefore raised to the spacing between building blocks. It is considered that the proposed layout would maintain and improve on the existing gaps between the site and adjacent buildings.
- 6.4.4 The proposed shared garden area to the rear would provide a limited amount of amenity space when considering the amount of residential units provided. The site however is located within a town centre location where residential uses are provided with limited or no open green space and a reasonable reduction in amenity space could therefore be considered. The Residential Design SPD states that communal amenity space will be expected on all flatted schemes. Communal amenity space should be designed to be private, attractive, functional and safe. The amenity space provision is considered, in principle, to meet these requirements.
- 6.4.5 Other mixed used developments in the area, in particular the recent development at the former Lloyds No. 1 public house at 168 High Street, which involved 6 apartments, have been approved with less or no amenity space provision. It is therefore considered, in this case, that the provision would be acceptable within this town centre location. It is therefore considered that the limited amount of amenity space provided would not be so significant as to warrant grounds for refusal. Members may however wish

to exercise their discretion with regards to the level and quality of amenity space provided.

6.4.6 The proposed block to the rear of the site is not considered to have a particularly high quality setting, being within an almost entirely hard surfaced environment, which is used as a parking and manoeuvring area. This could potentially give rise to an unacceptable degree of amenity for future occupiers of the proposed development and Members may consider this to comprise sufficient grounds for refusal. Staff have however had regard to the fact that the constraints of the site, including the retention of the frontage buildings and the consequent space remaining for parking provision, make it difficult to achieve a more spacious, softer setting for the development. This type of living environment is a consequence of denser forms of development and Members may agree it is not an unusual arrangement in a town centre environment and thereby not materially harmful to local character. The suitability of this arrangement for prospective residents would largely be a matter of individual choice.

6.4.7 Whilst staff consider a more spacious, landscaped layout would be preferable it must be weighed against the opportunity to create the density of development proposed within this town centre location and the parking and servicing demands of this mixed use development. On balance, staff consider the setting of the building to be acceptable.

6.5 Design/Impact On Street/Garden Scene

6.5.1 In terms of design, the proposed dentist surgery and residential uses above would look similar to the existing structure, no impact would therefore result from a streetview perspective.

6.5.2 The new block of flats would be situated to the rear of the property and would only be obliquely visible in the streetscene as it would be screened by the existing buildings along High Street. The scale and siting of this building is judged to be in scale with the buildings in the surrounding area. The height would be lower than that of the structure to the front of the site and would maintain the character in the surrounding area in terms of massing. The new building would be set in from the flank and rear boundaries, maintaining a sufficient gap between neighbouring properties.

6.5.3 The current proposal has addressed previous concerns raised relating to the overall design and visual impact of the block to the rear of the site, specifically with regard to the rear elevation of the proposed building. The design of the building has been amended to address concerns in this respect. This has included the significant reduction in overall height of the building from 9.58m to 6.75m which has resulted in the loss of the unit in the roof space and the lowering of the eaves height of the hipped roof. The revisions have reduced the bulky and top heavy appearance of the previous scheme and is considered to be visually acceptable when viewed from the rear garden environment.

- 6.5.4 Staff acknowledge that issues relating to the design and visual impact of the building are a matter of judgement and that Members may consider the proposal to continue to be unacceptable in this respect. However, staff consider in this case that the previous concerns raised regarding the design and visual impact of the rear block to have been sufficiently addressed and is no longer grounds for refusal.
- 6.5.5 It is considered that the design, render and colouring proposed for the development would be acceptable. Details of materials to be used could be secured on the grant of any planning permission via condition. Furthermore, the refurbishment of the existing vacant dilapidated building and redevelopment would enhance the appearance and attractiveness of the site. There is scope to achieve appropriate boundary treatment to the rear of the site through planning conditions.
- 6.5.6 The internal arrangement of habitable space would further ensure no detrimental impact is experienced to the amenities of prospective occupiers in terms of disturbance, consistent with Policy DC61.
- 6.5.7 The waste generated by the proposed dental surgeries would be stored within an enclosed room inside the building designed to meet the requirements of such uses. A condition could be recommended on any grant of planning permission to ensure this element can accommodate the required volume of waste and is constructed to an acceptable design.
- 6.5.7 The location of refuse storage serving the residential units has changed since the last approval and would now be sited to the eastern side of the block of flats. This would now fall within the required 25m distance from the adjacent highway. No details of the management of refuse disposal have been submitted, although it is considered that a management plan could ensure that bags or wheelie bins could be taken to an area to the front on collection days. A condition is recommended to secure further details relating to the refuse disposal arrangements.

6.6 Impact on Amenity

- 6.6.1 The area surrounding and adjacent the site is predominantly commercial in nature including a church hall with residential properties opposite the site and further along the High Street. In terms of amenity issues, consideration must be given to the existing residential uses to the north of the site as well as the church to the west which would be most affected by the development. Given the commercial nature of the unit no. 29 High Street to the east, no significant impact is anticipated and the unit already experiences general prevalent day time operational noise.
- 6.6.2 The proposed flats to the upper floor of the existing building to the front of the site would not have an unacceptable impact on the neighbouring properties as the first floor windows would be serving a hallway and a landing. In order to prevent any direct overlooking from windows to the upper floor levels facing onto the adjacent properties, it is recommended by

way of condition to secure obscure glazing of these windows. Furthermore, it is not considered that the windows to the rear of the frontage block would cause overlooking to the properties at the rear of the site in Fairkytes Avenue as any overlooking would be prevented by the construction of the block of flats to the rear of the subject site.

- 6.6.3 Although there would be limited impact to neighbouring amenity from the existing building to the front of the property, the proposed block of flats to the rear may result in some impact on neighbouring amenity to the residential properties to the rear and the church to the west. The block of flats contains first floor rear bedroom windows, which face north towards the rear boundary of houses in Fairkytes Avenue. The building is 6m from the shared boundary. Members may consider that this arrangement would lead to unacceptable overlooking of the neighbouring rear gardens. However, staff have had regard to the 25m plus back to back distance between the new block and the properties to the rear and the relatively limited size of the window openings and conclude, on balance, that no material harm through loss of privacy would occur.
- 6.6.4 Upper floor windows are also proposed to the flank elevations serving kitchens. However, given the non-residential uses of the properties to the west and east of the subject site, Staff do not consider these windows to result in an unacceptable impact in terms of overlooking. These are secondary windows to a kitchen/living room. Therefore, if Members consider it necessary, consideration could be given to an appropriate obscure glazing condition if permission were granted to ensure that no demonstrable harm would occur.
- 6.6.5 Staff do recognise that the construction of the block of flats within 6m of the rear boundary would have an impact on the outlook of the residential properties to the rear of the application site. However, Staff consider that the changes made to the height of the roof and subsequent drop in eaves line to the current proposal to have sufficiently addressed previous outlook concerns. The building is now of such a height that material loss of amenity is not considered to result. The impact of the development could be further mitigated by boundary vegetation as illustrated on drawing No. BRD/11/015/08 Rev A. Whilst staff accept this is a matter of judgement for Members, it is considered that the design and massing of the building and its relationship to the site boundary will be acceptable and will not result in a materially harmful to neighbouring residential amenity
- 6.6.6 The development creates the potential for noise generation from the use of the communal open space and the car park, which could have an adverse impact on the amenity of neighbouring occupiers. The proposed vehicular access would however be sited at a sufficient distance from residential properties as well as the church. Although the surface car park would be set nearer to the residential properties at No's 6 and 8 Fairkytes Avenue, no adverse additional impact is expected over and above that already experienced from the Mecca Bingo car park area which adjoins the common boundary with no. 8.

6.6.7 It is considered that the noise levels within the car park resulting from vehicular movements and general disturbance (doors shutting, engines and talking) would not be unreasonable. The open space provided to the rear, the distance from residential properties and screening of the rear boundary would further ensure that no significant noise would be experienced by neighbours.

6.7 Highway/parking Issues

6.7.1 In respect of car parking, the guidance contained in Policy DC33 advises that 1.5 to 1 car parking spaces should be provided to each unit in this location. Furthermore the proposed D1 use would require 1 parking space per practitioner plus 1 per 2 additional staff and 2 per consulting room. The D1 unit would accommodate 4 consulting rooms with 7 full time members of staff and 2 part time (a total of 9).

6.7.2 Based on the above a maximum of 25 car parking spaces should be provided. A total of 8 car parking spaces would be required for the residential element and 17 spaces to the commercial use. The proposed 7 car parking spaces could therefore only provide a third of the required maximum car parking spaces. Given the site's good PTAL (Public Transport Accessibility Level) of 3-4 and proximity to public car parks in the area, the level of parking is considered consistent with both national and local policy requirements.

6.7.3 In support of their application, the applicant states that 3 dentists and 3 hygienists using the practise will be working on a part time basis. The applicant also states that the surgery is an existing practise in the area that is re-locating to this site and that many of the patients and staff will be able to walk to the surgery. The applicant has submitted an appendix to their application from the local PCT indicating the dental practises in the area that have no, or little car parking. Furthermore, with regards to the car parking allocation, the applicant suggests that the dental surgery would be positioned in close proximity to a large public car park, which should reduce the need for car parking spaces for the surgery.

6.7.4 Parking is provided at one space per flat to the new block of flats to the rear with the remainder allocated to the staff of the commercial unit. The use of the dental surgery between normal trading hours and limited hours on Saturdays would leave the car park open solely to residents for most part of the weekend and evenings. The scheme further proposes two separate cycle storage areas for use by the residential and commercial units which is consistent with requirements for both residents and staff of the dental practise. This would promote green travel and reduce the need to travel by car.

6.7.5 The proposed new crossover and vehicular access off High Street would incorporate a passing area and 4 pedestrian safety bollards to the site forecourt. The proposed vehicular access point would provide adequate

access to the site with sufficient visibility splays. Both the parking and access arrangement has been agreed with the Council's Highway officers.

- 6.7.6 The site layout as proposed does not provide adequate servicing by larger vehicles, in particular refuse lorries. It has however been agreed with the applicant to provide a loading bay which would form part of the highway regeneration aspirations for Hornchurch, which would be located on Hornchurch Road in front of the site. The financial obligation is secured by way of Section 106 Agreement. Any alterations with regards to the existing pedestrian footway should be submitted to ensure that sufficient space would be maintained for the unobstructed and free flow of pedestrian traffic whilst enabling the servicing of the site without obstructing the free and safe flow of vehicular traffic on High Street.
- 6.7.7 The proposed access and parking arrangements are not considered to significantly add to additional local traffic and would not cause adverse conditions to highway safety. The proposed layout and servicing of the site would ensure that no adverse effect is experienced by pedestrians or motorists and would be consistent with Policies DC32 and DC36.
- 6.7.8 The proposals would be consistent with Policies DC32, DC33 and DC36 subject to the satisfactory completion of a Section 106 Agreement and a Section 278 Agreement under the Highways Act, together with standard conditions.

6.8 Other Issues

- 6.8.1 A hard and soft landscaping condition could secure appropriate replacement planting to compensate for the removal of trees to the rear of the site and also to improve the residential setting within the central part of the site. The loss of the unreserved trees to facilitate the development is considered to be acceptable.
- 6.8.2 Given the scale of development there would be no implications in terms of affordable housing or education contributions or any other obligations as expressed within Policy DC72.

7. Conclusion:

- 7.1 The proposed mixed use scheme is considered to be acceptable in principle. The impact of the frontage development is considered acceptable, as is amenity space provision within the site.
- 7.2 The overall scale of the development is considered acceptable and previous concerns regarding the bulk, massing and design of the block to the rear have been sufficiently addressed. The proposal is considered to be visually acceptable when viewed from residential properties to the rear of the site. The proposal is considered to be acceptable in terms of car parking subject to a Section 106 agreement for the provision of a loading bay. Staff therefore recommend approval of planning permission.

IMPLICATIONS AND RISKS

Financial implications and risks:

None

Legal implications and risks:

A S106 legal agreement needs to be drafted

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 8 September 2011.