

APPLICATION NO: 12/01053/FUL
PROPOSAL: Erection of two storey front and rear extensions and front dormer window together with conversion and change of use of ground floor from doctors surgery to solicitors office and first floor to 2 one-bed flats and second floor to 1 studio flat (Resubmission)
LOCATION: 278 Dunstable Road
APPLICANT: Mrs. A Khan
WARDS AFFECTED: BISCOT

RECOMMENDATION

APPROVE

1. Subject to the conditions set out below:

- (01) The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To limit the duration of the permission in accordance with the provisions of Sections 91-96 of the Town and Country Planning Act, 1990.

- (02) The development hereby permitted shall not be carried out other than in complete accordance with the approved plans and specifications as set out on Luton Borough Council plan numbers 01, 02, 03, 04, 05, 06, 07, 08, 09, 10 and 11.

Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policy(ies) LP1, ENV9 and H2 of the Luton Local Plan.

- (03) No works or development shall take place until full details of a landscaping scheme to include all hard surfaces, grassed areas, tree and shrub plantings and the proposed times of planting, has been approved in writing by the Local Planning Authority, and all grassed areas shall be laid out and all tree and shrub planting shall be carried out in accordance with those details and at those times. Within one month of the completion of the landscaping scheme written confirmation of the completion date shall be submitted to the Local Planning Authority. If within a period of five years from the initial date of planting of any tree or shrub, any such plant is removed, uprooted or destroyed or dies, or becomes in the opinion of the Local Planning Authority, seriously damaged, diseased or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same

place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To enhance the appearance of the proposed development. To accord with the objectives of Policy(ies) LP1, ENV9 and H2 of the Luton Local Plan.

- (04) A management plan, including management responsibilities and maintenance schedules, for all external and shared/common areas of the development shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development for its permitted use. The management plan shall be carried out as approved.

Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policy(ies) LP1, ENV9 and H2 of the Luton Local Plan.

- (05) The area to be used for car parking in connection with the development hereby permitted shall not be used for any purpose other than for the parking of employees/residents cars and the standing of vehicles while servicing the premises and shall be ready for use prior to the occupation of the building(s) comprised in the development hereby permitted.

Reason: To ensure that adequate provision is made for vehicles to park clear of the highway in the interest of road safety. To accord with the objectives of Policy(ies) LP1 and T3 of the Luton Local Plan.

- (06) Details of the surfacing and drainage of any parking service area(s) hereby approved shall be submitted to and approved by the Local Planning Authority before the development hereby permitted is commenced. The details thereby approved shall be installed prior to the occupation of any building on the site.

Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policy(ies) LP1 and ENV9 of the Luton Local Plan.

- (07) Notwithstanding the submitted plans, triangular pedestrian safety visibility splay(s) of 1.8 metres x 1.8 metres shall be provided on each side of the vehicle access points to the site. The splay(s) shall be positioned within the site at right angles to the highway (measured at the highway/site boundary). The visibility splay(s) so described shall be maintained free of any obstruction to

visibility exceeding a height of 600mm above the existing ground level.

Reason: In the interests of highway and pedestrian safety. To accord with the objectives of Policy(ies) LP1 and T3 of the Luton Local Plan.

- (08) Samples of the materials to be used in the construction of the walls and roof of the extensions shall be submitted to and approved by the Local Planning Authority before the development is commenced.

Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policy(ies) LP1 and ENV9 of the Luton Local Plan.

- (09) The first floor window(s) in the northwest elevation(s) of the development shall be fitted with obscure glazing at all times.

Reason: To protect the amenities of the adjoining dwelling at No. 276 Dunstable Road. To accord with the objectives of Policy(ies) LP1 and H2 of the Luton Local Plan.

REPORT

INTRODUCTION

2. The application site is located on a corner plot where Conway Road intersects Dunstable Road and comprises a two storey detached building of an 'L' shaped design, which has been utilised most recently as a doctors surgery at ground floor level and a residential flat at first floor. Historically it has been used for residential purposes (single dwellinghouse).
3. This application is a resubmission of a proposal previously refused in mid-2012 as it was considered that the scheme was overdevelopment. The applicants currently occupy an existing premises almost directly opposite the application site (267 Dunstable Road) and as a result of the need for additional space, following expansion of the business, it is intended that the business operations will be split between the two premises.
4. The application has been referred to Development Control Committee following the submission of a petition objecting to the development.

LUTON LOCAL PLAN ALLOCATION

5. The site is not allocated for any specific uses on the Luton Local Plan Proposals Map.

POLICY IMPLICATIONS

6. LP1, LC3, H2, ENV9, T3, T13 and IMP1
7. With regards to Policy IMP1 a signed Unilateral Undertaking has been received committing to pay the required financial contribution to Waste Management improvements that would be associated with the development. This is currently with Legal Services pending consideration.

PREVIOUS HISTORY

8. Planning permission was granted in 1981 to convert the dwellinghouse to a doctor's surgery. In 2008 an application to revert back to the previous use as a residential unit along with extensions to the rear/front and side was refused. This was due to the failure to provide suitable evidence to support the loss of a community use and also due to the impact on the adjoining property. A revised application was submitted in 2009 to address these issues and was subsequently approved.
9. Planning permission was sought for a change of use to a solicitors office with associated extensions to the building in mid-2012 but this application was refused for four reasons namely; the overintensive nature of the proposed extensions; the loss of a community facility without any justification; the impact of the development on the neighbouring property at 280 Dunstable Road and; parking proposals. The current application represents a resubmission of this refusal.

TECHNICAL CONSULTATIONS

10. Highways Authority – Advises that the details are generally satisfactory with respect to highway concerns. Advice is provided with respect to crossovers and visibility splays.
11. Environmental Protection – Has no comments to make.
12. Thames Water – Has no objection with regards to sewerage infrastructure.
13. Waste Management – Advises on the level of contribution that would be required for waste management improvements in accordance with the SPD on Planning Obligations.
14. Parks – No response has been received. Any comments made will be reported at the Meeting.
15. Education – No contributions are required as the development will have a zero pupil yield.
16. Libraries – No response has been received. Any comments made will be reported at the Meeting.

17. Museums – No response has been received. Any comments made will be reported at the Meeting.

NEIGHBOUR CONSULTATIONS

18. 14 adjoining occupiers were notified of the application and site notices were also displayed in the area. A petition containing 14 signatures has been received, objecting to the development for the following reasons:

- Increased traffic and congestion
- Increased demand for on-street parking
- Proposed use would be out of keeping with residential area

MATERIAL PLANNING CONSIDERATIONS

19. The material planning considerations relate to the principle of the development, the living environment to be created and the impact on the street scene and the adjoining occupiers, design and parking

PRINCIPLE OF DEVELOPMENT

20. The ground floor will be extended and re-configured to create 10 individual offices to serve the intended use of the space as a Solicitor's Office and will complement the operations at an existing premises used by the company (267 Dunstable Road). The upper floors will be re-configured to create two one-bed flats and a single studio unit.
21. Whilst the surrounding side streets are predominantly residential, this stretch of Dunstable Road is vibrant with a good mix of uses integrated together, despite falling outside of the Bury Park District Centre. The use of the premises as a Solicitors office will be wholly in keeping with the general mixed character of this section of Dunstable Road, but at the same time it is not considered to be the type of use that will have a detrimental impact on the vibrancy of the nearby District Centre. Therefore no objection is raised to the principle of the change of use.
22. Notwithstanding this, the changing of the use of the ground floor of the building requires some justification in accordance with Policy LC3 of the Luton Local Plan. It should be noted that the ground floor of the property has been vacant for approximately 6 years and thus, there has been no community benefit being generated in that time or any apparent interest for other uses. There is little chance of a doctor's surgery re-occupying the building by virtue of their being a number of other surgeries in the area (including a new facility that has opened at Kingsway) that adequately serve the surrounding community. Furthermore the length of time that it has been vacant suggests that its location and/or size are no longer considered to be attractive for community use. Therefore the change of use of the ground floor to a Solicitors Office is not considered to conflict with Local Plan policies.

23. The proposed increase in activity at the premises has been expressed as a concern amongst the local residents and particularly as a result of the level of traffic and parking that would be associated with it and these issues will be dealt with in more detail in the following paragraphs.
24. The upper floors of the building are already in use for residential purposes and therefore the principle for this is already established as being acceptable.

LIVING ENVIRONMENT CREATED

25. The studio flat is fairly restricted in size particularly given that it occupies a loft space, but the floor space of 33sq.m is considered adequate to provide a satisfactory living environment for future occupiers. The one-bed flats to occupy the first floor achieve a methodical layout and all habitable rooms will benefit from a window opening to allow daylight, outlook and natural ventilation. Accordingly both of these units will offer a satisfactory living environment for future occupiers of the premises.
26. Externally the flats will benefit from a small area of landscaped amenity space measuring approximately 40sq.m. Given the restricted area available to future residents on site it is important that this space is secure and privately screened from public view if it is to be considered as a useable space.

STREET SCENE IMPACT

27. The buildings in the area comprise a mix of semi-detached and detached buildings that are finished in either brick or/and painted render and of varying designs. Many have distinctive design features that are characteristic of Edwardian properties and include bay windows and detailed brickwork, which is largely typical of the surrounding area. Several of the properties on the opposite side of Dunstable Road are provided with front dormer windows with a gable roof design that would appear to form original features of the properties.
28. The previous application proposed over-intensive additions and modifications to the existing building, to a degree that would have been completely out of scale and character. The resubmitted proposal results in extensions of a more subordinate scale and a design that is more in keeping with the original building and the surrounding area. A turret type structure has been maintained to the building's frontage but the flat roof element and the inset from the

original walls of the building will ensure that the 'L' shaped form of the original building prevails.

29. To the rear of the property, a two-storey extension of 4 metres in depth then drops down to single storey for a further 8 metres (approx). The size of the plot is such that the proposed two-storey extension is easily accommodated and will be nearly identical to one previously approved on the property (ref: 09/00474/FUL). Furthermore the size of some of the plots of land available to properties has meant that larger extensions are not uncommon within the surrounding area. There is an existing boundary wall fronting onto Conway Road which stands approximately 2 metres in height, which will partially screen the extension, but nevertheless the extension is not offensive in appearance and will have no detrimental impact on the visual amenity of the street scene.

IMPACT ON ADJOINING OCCUPIERS

30. The reduction of the extensions to an acceptable degree has resulted in any previously anticipated detriment on the neighbouring property 280 Dunstable Road now being removed. The extensions as proposed will not result in any undue visual intrusion to this property and there will be no impact by way of overlooking or loss of privacy.
31. A restaurant at 276 Dunstable Road occupies the opposite corner of the junction and will not be adversely affected by the proposal by virtue of the distance and relationship between the two properties. The residential property at 1 Conway Road, sited to the north east of the application site, similarly will not be affected by the development.
32. Re-implementation of use at the premises will result in a noticeable increase in comings and goings, which could result in some noise and disturbance, but this is not considered to be to a degree that would be any worse than if the property were re-occupied as a doctors surgery. Furthermore, owing to the nature of the area some level of noise and general disturbance should be expected and the proposed use is not anticipated to result in any material detriment as far as this issue is concerned.

DESIGN

33. Materials will need to be submitted for approval, but generally the design of the extensions is considered to be acceptable.

PARKING

34. The existing garage and single-length driveway to the rear of the existing property are to be demolished and following construction of the extensions to the rear of the building, the remainder of the land is to be hard-surfaced to provide a small car park for up to 5 cars. A further 2 spaces will be provided to the front of the property and accessed from Dunstable Road. This is the same

proposal as that previously refused but the number of offices has now be reduced resulting in the proposed number of people on site at any one time being less. Local Plan parking standards specify that for A2 offices 1 parking space per 30 sq. metres should be provided, which would amount to a total of 7 spaces and therefore this standard is met.

35. The flats would require a further 3 spaces being required on site. However consideration has to be given to the location of the development, which is only 0.4km to the Bury Park District Centre, where a wide range of amenities are available (including various supermarkets and a superstore) and the Town Centre, which is only 1.4km away and also offers excellent amenities and transport hubs to wider areas. In light of this, the site is highly sustainable and will not necessarily result in future occupiers needing a car. Nevertheless the A2 use will operate from 09:00am until 5:30pm, which are times when people will typically be at work. Therefore it is clear that there will be parking available to residents on-site during evenings. This dual use of the parking area is not considered to be inappropriate.
36. Two of the reasons for objection raised in the petition relate to the increase in traffic and congestion as well as the increased demand for on-street parking. The side road adjacent to the application premises and leading off Dunstable Road (Conway Road) is already heavily congested throughout the day as there are no parking restrictions in place, resulting in vehicles parking on both sides of the road and effectively making Conway Road available to one-way traffic. The A2 use will inevitably generate an element of custom, which will put pressure on the demand for on-street parking. However this has to be considered against the level of demand that would be required/generated should the building be re-occupied for its current lawful use as a doctor's surgery, which is considered to result in a far greater number and constantly throughout a normal working day. In light of this, the proposed development will result in noticeable improvements to the traffic situation. No objection to the proposed development has been raised by the Highway Development and Streetworks Manager.

CONCLUSIONS

37. The proposed development at the site is now considered to be acceptable in terms of its design, scale and appearance and its impact on the adjoining occupiers. A suitable living environment will be created for future occupiers and an acceptable level of off-street parking is provided to accommodate the proposed uses. There will be some noticeable increase in demand for on-street parking in the area throughout a typical working day, but this is not anticipated to be to a level that poses any material detriment to Highway and Pedestrian Safety, nor is it considered to be to the same degree that would occur if the lawful use of the property were re-established. In light of the foregoing it is recommended that the application be approved.