

DEVELOPMENT CONTROL COMMITTEE**10th March, 2004 at 6.00 p.m.**

PRESENT: Councillor Hoyle (Chair); Councillors Boyle, Farooq, Franks, A. Hussain, Johnston Riaz, Skepelhorn and Stewart.

35 NO. 227 ASHCROFT ROAD (REF: 7.6)

The Development Control Manager reported on Application No. 03/01629/COU submitted by Mr. G.P. Lobo for the continued change of use of a dwelling house to an osteopathic surgery (D1) at No. 227 Ashcroft Road.

He reported that the site, the subject of the application fell within a Primarily Residential Area identified on the Borough of Luton Local Plan, and therefore the Application had been advertised in accordance with the requirements of the Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999. He further reported on 3 letters of objection and 4 letters in support to the proposal which had been received.

Resolved to recommend: That subject to an appropriate legal agreement or unilateral undertaking to ensure that the existing surgery at 12 Ashburnham Road reverts to residential use prior to the commencement of a surgery use at the application premises Application No. 03/01629/COU be approved subject to compliance with the following conditions:-

- (01) The development hereby permitted shall be begun not later than the expiration of five 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) No works or development shall take place until details of 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 and to protect the amenities of neighbouring properties. To accord with the objectives of Policies H1 and LC2 of the Borough of Luton Local Plan.)

- (03) A management plan, including management responsibilities and maintenance schedules, for all external 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 enhance the appearance of the proposed development and to protect the amenities of neighbouring properties. To accord with the objectives of Policies H1 and LC2 of the Borough of Luton Local Plan.)
- (04) 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 patient's cars to the front of the premises and staff and visitors cars to the rear of the premises 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 T7 of Borough of Luton Local Plan.)
- (05) Notwithstanding the submitted plans triangular pedestrian visibility splay(s) of 1.8 x 1.8m shall be provided on both sides of the access to the new parking area to the front of the premises. 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 600 mm above the existing ground level. (Reason: In the interests of highway and pedestrian safety. To accord with the objectives of Policies LC2 and T7 of the Borough of Luton Local Plan.
- (06) The building and site shall be used for an Osteopathic Surgery (which may include only osteopathic treatment, acupuncture, shiatsu massage and massage), and shall not be used by a doctor or dentist or other medical or health service practitioner or for any other purpose, including any purpose within Class D1 specified in the schedule to the Town and Country Planning (use Classes)

Order, 1987, (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). (Reason: To protect the amenities of neighbouring properties. To accord with the objectives of Policies H1 and LC2 of the Borough of Luton Local Plan.)

- (07) For the year from 21st April 2004 to 22nd April 2005, the use hereby permitted shall not operate outside the hours of 08.00 to 20.00 on Mondays to Fridays. Thereafter the use shall not operate on those days after 18.00 unless written permission has been issued beforehand by the Local Planning Authority. The use shall not operate at any time on Saturdays, Sundays or Bank Holidays. (Reason: To protect the amenities of neighbouring properties. To accord with the objectives of Policies H1 and LC2 of the Borough of Luton Local Plan.)
- (08) No more than 2 consultants, medical or health service practitioners shall be on the site at any one time for the purpose of providing treatment to patients. (Reason: To protect the amenities of neighbouring properties. To accord with the objectives of Policies H1 and LC2 of the Borough of Luton Local Plan.)
- (09) Notwithstanding the submitted plans, fully details of the construction of the parking areas shall be submitted to and approved by the Local Planning Authority prior to the commencement of any work on site. For the avoidance of doubt, the visitor parking area to the front of the site shall be constructed on a "no dig" principle, using a geotextile membrane or such other suitable alternative as may be agreed in writing by the Local Planning Authority. All work on site shall be supervised by a qualified arboricultural consultant in close consultation with the Council's Tree Officer who shall be notified in writing 14 days in advance of the commencement of work on site. Any risk of damage to the trees which becomes evident during construction shall be reported immediately to the Local Planning Authority and, if necessary, an alternative method of construction shall thereafter be agreed. (Reason: To ensure a satisfactory standard of development and to ensure that the trees in the front garden area are protected from damage.)