

AGENDA ITEM 9

COMMITTEE: DEVELOPMENT CONTROL

DATE: 30TH JANUARY 2008

SUBJECT: 320 – 324 DUNSTABLE ROAD
CONVERSION AND CHANGE OF USE OF PREMISES
TO USE AS A SHOP (CLASS A1)
(APPLICANT: MR AFTAAKER ALI)
(APPLICATION NO: 07/01406/COU)

REPORT BY: DEVELOPMENT CONTROL MANAGER

CONTACT OFFICER: BEN HUSKINSON 546317

IMPLICATIONS:

LEGAL	COMMUNITY
	SAFETY
EQUALITIES	ENVIRONMENT
FINANCIAL	CONSULTATIONS
STAFFING	OTHER

WARDS AFFECTED: BISCOT

PURPOSE

1. To advise Members of a current application for planning permission and to seek their decision.

RECOMMENDATION(S)

2. Although the application represents a departure from the Development Plan, Development Control Committee is recommended to grant planning permission subject to consideration of any representations received pursuant to the departure procedures and subject to the following conditions:-

- (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) Before the development is commenced, a full safety audit of the site access shall be submitted to the Local Planning Authority. Any works, both within the site and the public highway arising from the findings of the audit, shall be carried out at the applicants' expense in consultation with the Council's Highway Development Manager. Written notification of the completion of the required works shall be provided to the Local Planning Authority before the use of the building hereby approved is commenced.

Reason: In the interests of highway and pedestrian safety and to accord with Policies LP1 and T3.

- (03) No goods or materials shall be sold, displayed or stored on the forecourt or within the car park of the premises the subject of this permission.

Reason: In the interests of visual amenity and highway safety. To accord with the objectives of Policy(ies) LP1 and T3 of the 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 customers' 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 T13 of the Luton Local Plan.

- (05) No external lighting shall be installed to the parking/service area(s) or to the perimeter of the building(s) hereby approved, other than in accordance with a scheme to be submitted to and approved by the Local Planning Authority prior to the installation of any external lighting 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 H2 of the Luton Local Plan.

- (06) 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.

BACKGROUND

3. The application relates to a change of use of a vacant building at 320 – 324 Dunstable Road situated on the junction with Lincoln Road.

REPORT

The Proposals

4. The proposal is for the change of use of the existing building to use as a shop (Class A1) comprising approximately 490 square metres floorspace on two levels. The submitted plans show a ground floor retail area of approximately 260 square metres and a first floor storage area.

The Site and Surroundings

5. The application site is situated on the south east side of the junction of Lincoln Road with Dunstable Road and consists of a vacant two storey brick building. Within the building and to the rear occupying two floors is a large electricity sub station. On the south east side of the structure is a car park, accessed from Dunstable Road. The premises have been vacant for a number of years and were last used as a car showroom and ancillary offices and then briefly as a children's disco.

6. The surrounding area is predominantly residential in character although, on the opposite corner of the road junction, a former car showroom has been converted to retail and community uses and, directly opposite, are corner shops that can also be found on a number of other corner sites as you proceed towards the Bury Park District Shopping Centre.

Relevant Planning History

7. The following planning history relates to the site;-

- Development of land for residential purposes (6 flats). Refused 1988
- Use of office premises as an hotel. Refused 1990
- Use of office and stores as a community centre. Refused 1991

- Change of use to under 18's discotheque. Approved 1991
- Use of office premises as a car showroom with office accommodation above. Approved 1992
- Use of premises as a place of worship with ancillary counselling facilities. Approved 1993
- Erection of two storey building containing two doctors' surgeries with car parking at rear. Approved 1994
- Building and use of site for vehicle servicing facilities. Refused 1995
- Continued use of premises as a place of worship & religious instruction. Approved 1997
- Development of land for residential purposes – 6 one bedroom flats and 4 two bedroom flats. Approved 2000
- Erection of a 3 storey building to provide community centre following demolition of existing building. Approved 2003

Planning Policy

8. The site is within an area where there is no specific land use allocation. The relevant policies and their assessment are dealt with in 'Main Planning Considerations'.

Consultation Responses

9. *Highway Development Manager:* The submitted details are generally satisfactory but, given the proximity of the proposed car park access to a signal controlled pedestrian crossing and the potential adverse interaction between pedestrians and vehicles, a full safety audit of the site access will be required. The normal visibility splays will be required on each side of the access. Any alteration to the vehicular crossover/access will be subject to the approval of the highway Authority, and no works will be permitted within the confines of the highway.

10. *Strategic Planning:* At the time of writing this report the comments of Strategic Planning had not been received. A full oral report will be made at the meeting.

11. *Statutory Publicity:* The application has been advertised in the local newspaper and a site notice displayed. Twenty four local occupiers have been notified and a petition containing 10 signatures has been received opposed to the application. The grounds are that the existing numbers of businesses in the area already exceeds the needs of the small residential community. There are three schools in close proximity, the traffic is therefore heavy in the area and the proposal for a large retail use would add to the traffic congestion. The installation of fascia signage would be a potential source of light pollution. Reference is also made to the potential use of the premises as a wholesale cash and carry and the implications of this on highway safety. The application is for retail use within Use Class A1 and does not include a wholesale cash and carry.

MAIN PLANNING CONSIDERATIONS

Policy Implications

12. The Policies that are relevant to the proposal are LP1, S1, T1, T13.

13. LP1 requires proposals to improve the quality of life for residents and not conflict with the policies or objectives of the Luton Local Plan.

14. S1 states that a sequential approach to preferred locations will be applied to proposals for retail development. In the case of out of centre sites planning permission will be granted provided that:-

(i) it can be demonstrated that there are no suitable alternative sites in the retail hierarchy.

(ii) the vitality and viability of any shopping policy areas would not be adversely affected.

(iii) it will provide a facility for which there is a demonstrable need.

(iv) the benefits associated with the proposed development outweigh the loss of the existing use or potential alternative use.

(v) the development would not adversely affect the free flow of pedestrians in the vicinity and the nature of the development is in keeping with the function and character of the area.

15. Little information is provided in the Design and Access Statement to address these issues. The proposal is to run a general store from the premises and the applicant currently has a similar shop at 206 Selbourne Road. It is proposed to relocate to the new site, the choice of premises being influenced by the need to be near the existing shop to retain the existing client base.

16. The structure is a 2 storey building that has remained vacant for quite some time. It has recently undergone refurbishment and is in a good state of repair. The forecourt has been resurfaced, as has the car park on the south east side of the building. A large electricity sub-station is located within and to the rear of the building and takes up two floors. The ground floor (242 sq metres) will be used for retail purposes and the floor above for storage.

17. There are a number of corner retail premises in Dunstable Road opposite the site, and the former car showroom on the corner of Lincoln Road and Dunstable Road has been divided into smaller units comprising a motor cycle shop, a cultural centre, and a unit formerly occupied by Oxfam which is currently vacant. To the rear of this building is a carpet and furniture warehouse. There are further corner shops on Dunstable Road as you proceed in the direction of Bury Park that are allocated on the Proposal Map of the Local Plan as Local Shopping Frontage. The nature of the development may therefore not be seen as out of keeping with the function and character of the area.

18. No assessment has been made that there is a demonstrable need for a general store in the area. However, the site is within a large housing area, is located on a bus route, and would provide a useful service to local people, particularly those who are less mobile. It may be considered, therefore, that, although representing a departure from the Luton Local Plan, the proposal would return a long-standing vacant building to beneficial use and that the proposed development would not be inappropriate for the site.

19. T1 relates to the implementation of a transport strategy and states that planning permission will be granted for development that reduces the need to travel, particularly by private car, and enables the use of sustainable transport.

20. T13 deals with parking and developments will only be permitted where the proposed parking provision is necessary and does not exceed the maximum standard set out in Appendix 4 to the Luton Local Plan.

Street Scene Impact

21. No external alterations are proposed to the building and therefore the development does not have any implications for the street scene.

Impact on Adjoining Occupiers

22. Housing abuts the north east and south western boundaries of the site. The car park to the side of the building is enclosed by a 1.8 metre high wall. The early history of the site is not known but the premises were occupied for some time by an electrical contractor. More recently the building was used as a discotheque for the under 18's. The proposed use will create a degree of noise and disturbance but Dunstable Road is a busy road where noise levels are high and, taking account of the previous uses of the site, it is considered that the development will not cause any significant harm to the amenities that local residents currently enjoy.

Parking

23. The adopted parking standards for the scheme require a maximum provision of 16 spaces. Up to 10 spaces could be accommodated in the car park and there is also space on the forecourt of the premises. Although this would be slightly below the full standard, it is considered that it would be acceptable in this instance and having regard to the modest scale of the proposal.

CONCLUSIONS

24. The proposal involves a departure from the Development Plan but it is considered acceptable in this case. The development would not have a harmful impact on the street scene or cause unreasonably harm to the amenities of neighbouring properties, and would put to good use a building that has stood vacant for some while. Subject to the consideration of any representations received pursuant to the departure procedures, it is recommended that planning permission is granted.

LIST OF BACKGROUND PAPERS
LOCAL GOVERNMENT ACT 1972, SECTION 100D

25. Luton Local Plan 2001 – 2011.

26. File No 07/01406/COU.