

Item No. 12

APPLICATION NUMBER	CB/15/00095/FULL
LOCATION	25 Millbank, Leighton Buzzard, LU7 1AS
PROPOSAL	Change of use of the property from residential to a mixed use of residential and chiropody surgery, which would result in the garage being converted into a clinic room.
PARISH	Leighton-Linslade
WARD	Leighton Buzzard North
WARD COUNCILLORS	Cllrs Johnstone, Shadbolt & Spurr
CASE OFFICER	Debbie Willcox
DATE REGISTERED	12 January 2015
EXPIRY DATE	09 March 2015
APPLICANT	Mrs Cohen
AGENT	
REASON FOR COMMITTEE TO DETERMINE	Called-in by Councillor Shadbolt on the grounds that he disagrees with the recommendations of the Highways Officer, taking into account the personal circumstances of the household and the nature of the business.
RECOMMENDED DECISION	Full Application - Recommended for Refusal

Summary of Recommendation

The proposed development would lead to an increase in on-street parking thereby resulting in traffic congestion and additional hazards for highway users and the residents of Millbank and thus would conflict with the National Planning Policy Framework, and policies 25 and 27 of the emerging Development Strategy for Central Bedfordshire.

Site Location:

The application site comprises a detached, four bedroom dwelling located on the north east side of the cul-de-sac of Millbank in Leighton Buzzard. The dwelling has an attached single garage and parking for three vehicles on the property frontage.

The Application:

The application seeks planning permission for the change of use of the property from residential to a mix of residential and D1 to allow the owner to run a chiropody surgery from the premises. To facilitate this, the garage would be converted to a surgery.

The surgery would be run solely by the homeowner and there would be no additional employees. The proposed opening hours would be 8.45 am - 5pm on Tuesdays, Wednesdays and Thursdays, with around 14 patients treated per day or 40 per week.

RELEVANT POLICIES:

National Planning Policy Framework (2012)

South Bedfordshire Local Plan Review Policies

BE8 Design Considerations

H7 Controlling the Loss of Residential Accommodation

T10 Parking - New Development

(Having regard to the National Planning Policy Framework, the age of the plan and the general consistency with the NPPF, policies BE8 & H7 are still given significant weight. Policy T10 is afforded less weight).

Development Strategy for Central Bedfordshire (June 2014)

Policy 21: Provision for Social and Community Infrastructure

Policy 25: Functioning of the Network

Policy 27: Car Parking

Policy 43: High Quality Development

(Having regard to the National Planning Policy Framework, weight is given to the policies contained within the emerging Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The draft Development Strategy was submitted to the Secretary of State on 24 October 2014.)

Supplementary Planning Guidance

Central Bedfordshire Design Guide: A Guide for Development (2014)

Planning History

Application:	Planning	Number:	SB/00/00662
Validated:	11/07/2000	Type:	Full Application
Status:	Decided	Date:	16/08/2000
Summary:		Decision:	Full Application - Granted
Description:	ERECTION OF REAR CONSERVATORY		

Application:	Planning	Number:	SB/76/00019
Validated:		Type:	Full Application
Status:	Decided	Date:	16/02/1976
Summary:		Decision:	Full Application - Granted
Description:	EXTENSION TO EXISTING DWELLING		

Representations:

(Parish & Neighbours)

Leighton-Linslade Town Council Discussion took place regarding planning application CB/15/00095 (25 MILLBANK). It was felt that the change of use, as proposed, was not unreasonable but that a condition be placed on the approval ensuring the change of use be subject to the applicant only.

RESOLVED that no objection be made to Central Bedfordshire Council regarding planning application CB/15/00095 (25 MILLBANK) but that the Town Council request the approval be subject to the applicant only.

Neighbours (No. 26 Millbank)

Object to the proposal for the following reasons:

- The conversion works would cause disruption and may result in damage to neighbouring occupiers by tradesmen.
- The garage is not sound proofed and its use as a surgery could lead to noise transfer to the neighbouring occupiers. Should planning permission be granted, sound proofing should be a condition of the approval.
- Vehicles parked in the parking space nearest the garage prevent pedestrians from walking to the garage due to the limited width of the parking area. Therefore people accessing the garage have to walk on the garden of No. 26. If this parking space is not used so that access is provided to the proposed surgery, this will limit the parking provision on the site.
- Parking on Millbank is limited and the proposal could worsen the parking situation.
- Visitors walking up the drive will have full views into the main front window of No. 26, thus detrimentally affecting privacy.
- Concerns over potential future businesses taking place in the converted garage should the current occupants sell the property.

Consultations/Publicity responses

Highways Officer

The applicant wishes to develop the existing garage serving the residential property in order to provide a chiropody surgery.

There are three main issues here which should be considered, as a result of the proposed development, they are as follows:

- The loss of a garage/parking space.
- The additional traffic generated by the development.
- The affects on the public highway of any additional and displaced on-street parking.

The loss of the garage would mean a loss of a parking space, however I am satisfied that the hard paved driveway is capable of allowing three vehicles to park clear of the highway, in accordance with the parking standards and hence in terms of maintaining the residential use, there is no objection to the loss of the garage.

In terms of traffic generation, the proposed use as a chiropody surgery will not generate significant volumes of traffic and therefore will not affect the wider highway network in terms of capacity.

The residential element of the development requires three parking spaces in accordance with the parking standards. The parking strategy document also recommends five parking spaces per consulting room for a surgery (D1) use. I would expect this standard to be more appropriate for larger doctor's surgeries, therefore I consider it reasonable to accept the surgery element of the proposal would require two parking spaces (one client in the surgery and one client waiting for appointment).

If the three off-street parking spaces are in use by the residential development, then any car borne clients to the surgery will be required to park on-street. Unfortunately the layout of this section of Millbank is such, that there is very little opportunity for on-street parking. That is to say due to the location of vehicle crossings, the turning head and the horizontal alignment of the carriageway (which are all areas to be kept clear of obstruction) there is very little space left to park on-street without causing a danger or inconvenience to users of the highway. The situation regarding on-street parking may be further exacerbated when you consider access to the pedestrian entrance of the proposed surgery would be restricted by parked vehicles for the residential property. This may then result in part of the residential parking element also being displaced on-street, if adequate pedestrian access to the surgery is to be maintained.

I would recommend that the application is refused for the following reason.

The proposed development would lead to an increase in on-street parking thereby resulting in traffic congestion and additional hazards for highway users and the residents of Millbank.

Public Protection Officer No comments.

Determining Issues

The main considerations of the application are;

- 1. Principle of the Change of Use**
- 2. Impact on Residential Amenity**
- 3. Parking and Highway Safety**
- 4. Other Issues**

Considerations

1. Principle of the Change of Use

Policy H7 of the South Bedfordshire Local Plan Review states that

"Planning permission will not be given for development which would result in the loss of residential land or buildings for redevelopment or change of use of residential accommodation for non-residential purposes where this would represent an unacceptable loss to housing stock."

In this case the dwelling would remain in residential use and only the garage would be lost to non-residential purposes. The proposal is therefore not considered to conflict with policy H7 of the South Bedfordshire Local Plan Review.

Policy 21 of the emerging Development Strategy for Central Bedfordshire encourages the provision of social and community infrastructure, including health centres and clinics, within the community, providing that the proposal would not result in an unacceptable impact to users of the neighbouring land and the location is appropriately accessible and the proposal would not result in unacceptable levels of traffic generation. Therefore, subject to these elements, which will be considered below, it is considered that the proposal is acceptable in principle.

2. Impact on Residential Amenity

The garage that would be converted into a surgery does adjoin the flank wall of No. 26, however the proposed business would operate three days a week and it is not considered that the nature of the business would result in a significant level of noise and disturbance from within the building that would result in a material loss of amenity to the occupiers of the neighbouring dwelling or other neighbouring occupiers. However, this is only considered to apply to the proposed business and not necessarily any business under Class D1. It is therefore considered that, should planning permission be granted, a condition should be imposed restricting the planning permission to use as a chiropody surgery and another condition should be imposed restricting opening hours from 8.45am to 9pm, Tuesdays - Thursdays.

The window mentioned by the occupier of No. 26 is set back from the garage by 3 metres and is already fully visible from the roadside. It is therefore not considered that the proposal would give rise to a significant loss of privacy to the occupiers of No. 26.

The comments made by the neighbouring occupier in reference to potential disruption and damage during the conversion works have been noted, however, this is not a material planning consideration and should not be considered during the determination of this application.

On balance, and subject to the appropriate conditions described above, it is considered that the proposal would not have a significant detrimental impact upon the amenity of neighbouring occupiers. The proposal is therefore

considered to be in accordance with policy BE8 of the South Bedfordshire Local Plan Review and policy 43 of the emerging Development Strategy for Central Bedfordshire.

3. Parking and Highway Safety

The proposal would involve the loss of the garage space and an increase in the demand for parking provision at the site. It should be noted that the conversion of the garage to a residential use would not require planning permission and therefore this parking space could be lost under existing permitted development rights.

The Highways Officer has acknowledged this in his comments and has not objected to the loss of the garage. However, he has raised concerns in regards to the proposed change of use and the impact it would have on parking provision both on the site and within the vicinity of the site and the effects that this would have on highway safety.

The National Planning Policy Framework, in Section 4 requires the provision of safe and suitable access and layouts which minimise conflicts between traffic and cyclists or pedestrians. Policy 25 of the emerging Development Strategy for Central Bedfordshire states that planning permission will be granted where it can be demonstrated that development will not endanger highway safety or prejudice the free flow of traffic on the highway network. Policy 27 of the Development Strategy states that parking for commercial developments must be provided in accordance with the standards set out in the Central Bedfordshire Parking Strategy. Based on the comments of the Highways Officer, the parking provision available at the site and the limitations of the Millbank, it is considered that the application site could not provide sufficient parking for the existing residential use and the proposed commercial use and therefore the proposal would give rise to an increase in on-street parking to the detriment of the safety and convenience of residents and users of Millbank. It is therefore considered that the proposal would be contrary to policies 25 and 27 of the emerging Development Strategy and would thus be unacceptable.

4. Other Issues

Human Rights issues

The proposal raises no Human Rights issues.

Equality Act 2010

The submitted application does not include any reference to accessibility. Should planning permission be granted, it is considered appropriate to add an informative advising the applicant of their responsibilities under the Equality Act 2010.

Recommendation

That Planning Permission be REFUSED for the following:

RECOMMENDED REASON

- 1 The proposed development would lead to an increase in on-street parking thereby resulting in traffic congestion and additional hazards for highway users and the residents of Millbank and thus would conflict with the National Planning Policy Framework, and policies 25 and 27 of the emerging Development Strategy for Central Bedfordshire.

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

Planning permission is recommended for refusal for this proposal for the clear reasons set out in this report. In the Council’s view fundamental objections cannot be overcome through dialogue. The applicant was invited to withdraw the application to seek pre-application advice prior to any re-submission but did not agree to this. The Council has therefore complied with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

DECISION

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