

Development Control Committee

Minutes

30 September 2020 at 6.00 pm

Present:

Councillor Taylor (Chair); Councillors Bridgen, Donelon, Franks, A. Hussain, M. Hussain, Rivers and Roche

64 Apologies for absence - Ref 1

Apologies for absence from the meeting were received on behalf of Councillors Agbley, Ali and Campbell.

65 Minutes - Ref 2.1

Resolved: That the minutes of the meeting of the Committee held on the 26 August 2020 be taken as read, approved as a correct record and signed by the Chair in due course.

66 Disclosure of interest - Ref 4

Councillor Bridgen declared a personal prejudicial interest in respect of Item 8, as a Luton Town Football Club season ticket holder. He remained in the virtual meeting room, but took no part in consideration of the item and did not vote on it.

67 Right to Speak (RTS) - Coronavirus Emergency Measures - Ref 7

The Planning Applications Team Leader presented the report (Ref 7), seeking the committee's approval for the implementation of the revised and amended emergency 'Right to Speak' (RTS) procedure brought about by the Coronavirus pandemic.

She advised the committee that the revised procedure, if approved, would allow applicants and objectors to speak at this and future remote meetings of the Development Control Committee, superseding the emergency right to speak procedure approved by the Committee on 26 August 2020. The procedure would be aligned to the remote meeting process and be close to the procedure at in-person

meetings, allowing applicants and objectors to address the committee, on the same basis as councillors could, as requested by members of the committee.

She added that no photographs would be allowed to be submitted. Applicants for right to speak would be required to supply a telephone number, as a back-up in case the remote access failure.

She further informed the committee that if after an application had been considered, where the right to speak had been exercised, it is deferred for further consideration, applicants or objectors would not be allowed to address the Committee for a second time to avoid repetition and additional cost. However, she added that to clarify complex and technical issues, on advice from the Head of Development Management, the Chair could use discretion to allow further address to the committee.

The Planning Team Leader stated that no written statements would be allowed to be submitted at the meeting of the committee by applicants and objectors. Written statements should be submitted to the case officer or Head of Development Control at least 5 working days before a meeting of the committee.

The Planning Team Leader requested that the recommendations in the report be approved to implement the revised right to speak procedure as set out at appendix 1 to the report.

In the absence of questions or comments, the Chair moved that the recommendations in the report be approved, which was carried. (Note: The vote of Cllr Donelon was later not counted, as she was unable to hear proceedings at the start of consideration of the item)

Resolved: (i) That approval be granted to confirm the action taken by the Service Director, Planning and Transportation, following consultation with the Chair and Vice-Chair of the Committee to revise the 'Right to Speak' procedure, as set out at Appendix 1 to the report (Ref 7), allowing applicants and objectors to speak at this and future remote meetings of the Development Control Committee, superseding the emergency right to speak procedure approved by the Development Control Committee on 26 August 2020;

(ii) That approval be granted for the 'Right to Speak' rules as they apply to in-person meetings set out in Part 16 of the Council's Constitution to be amended, as set out in Appendix 4 to the report (Ref 7).

68 Playing Field to the rear of Barnfield Academy South (now known as Avenue Centre for Education Site), Cutenhoe Road, Luton- Ref 8

The Strategic Applications Team Leader reported on Application No. 20/00709/OUT submitted by Luton Town Football Club, in respect of appearance, landscaping, layout and scale, with access to be determined later as a reserved matter, for an indoor Academy Training Facility for Luton Town Football Club at the playing field to the rear of Barnfield Academy South (now known as Avenue Centre for Education Site), Cutenhoe Road, Luton.

An update to the report was circulated to Members in advance of the meeting.

The Strategic Applications Team Leader further reported that the application had been notified to 74 properties and site notices had been posted around the site. Including an additional objection submitted since the report was written, 58 representations had been received, with 3 objecting to the proposal and 55 in support. It was also noted that the original objection from the Chair of Governors of Surrey Street Primary School had also been removed.

The Strategic Applications Team Leader also reported that the applicant had now agreed that the training facility would be available for use by schools, when not in use by the football club. This was reflected in condition 7. He added that, as a result of this change, the schools had written a letter supporting the application..

In relation to the right to speak, Councillors Paul Castleman and Javeria Hussain made representations in objection to the application, as South Ward councillors and the applicant addressed the committee in support of the application.

Resolved: (i) That Application No. 20/00709/OUT be granted, subject to the conditions and their reasons set out below and reasons for approval as set out in the report:

- (01) In the case of any matter hereinafter reserved for the subsequent approval of the Local Planning Authority, applications for this approval shall be made not later than the expiration of two years beginning with the date of this permission and the development hereby permitted shall be begun not later than whichever is the later of the following dates:
 - a) The expiration of three years from the date of this permission; or
 - b) The expiration of one year from final approval of the matters hereinafter for the subsequent approval of the Local Planning Authority. (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) Full details and particulars of all works hereby permitted in respect of access to the site shall be submitted to the Local Planning Authority in writing for their subsequent approval before any above ground work is commenced. (Reason: To enable the Local Planning Authority to exercise proper control over the details of the development in the case of an outline planning permission granted under Part 2, paragraph 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015 [as amended])
- (03) The development hereby permitted shall not be carried out other than in complete accordance with the approved plans and document Nos.: Location Plan (drawing no. 400_AL(0)101 Rev F); Site Layout Plan (drawing no. 400_AL(4)102 Rev G); Proposed Ground Floor Plan (drawing no. 400_AL(0)103 Rev C); Proposed Elevations (drawing no. 400_AL(0)110 Rev D); and Proposed Sections (drawing no. 400_AL(0)120 Rev B). (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area)
- (04) Prior to the commencement of any construction works a Construction Method Statement shall be submitted in writing to the Local Planning Authority for approval. Demolition and construction shall only then commence in accordance with those approved details. The Statement shall provide for:

- (i) operating hours: No demolition, construction or contaminated land remediation activities, movement of traffic, or deliveries to and from the premises, shall occur other than within the hours agreed with the Local Planning Authority. Any proposed extension to these agreed hours, other than for emergency works, shall be agreed with the Local Planning Authority before work commences;
 - (ii) the parking of vehicles of site operatives and visitors;
 - (iii) a dilapidation survey demonstrating the condition of the highway, inclusive of crossovers, kerbs and pedestrian footways, prior to the commencement of demolition and construction to be used for comparison following the completion of works and first operation of the development;
 - (iv) loading and unloading of plant and materials;
 - (v) storage of plant and materials used in constructing the development;
 - (vi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (vii) wheel washing facilities;
 - (viii) measures to control the emission of dust and dirt during construction; and
 - (ix) a scheme for recycling/disposing of waste resulting from demolition and construction works. (Reason: To protect human health, the environment, the highway and the amenities of adjoining occupiers and surrounding uses)
- (05) Prior to the commencement of above-ground works, excluding enabling works, full details of the materials to be used in the construction of the external materials of the air dome facility hereby approved shall be submitted in writing to the Local Planning Authority for approval. The development shall be carried out only in full accordance with those approved materials. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area)
- (06) Details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall be submitted in writing to the Local Planning Authority for approval prior to the installation of any lighting at the development. Only the details thereby approved shall be implemented. (Reason: To protect the amenity of existing neighbouring occupiers from adverse artificial light impacts)
- (07) Use of the development shall not commence until a School's Use Agreement prepared in consultation with the local schools has been submitted in writing to the Local Planning Authority for approval, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the air dome and shall include details of hours of use, access by school children, management responsibilities and a mechanism for review. The development shall not be used at any time other than in strict compliance with the approved agreement. (Reason: To secure well managed and safe school access to the sports facility to ensure sufficient benefit to the development of sport)

- (08) Full details of the proposed boundary treatment of the site shall be submitted in writing to the Local Planning Authority for approval before above ground works are commenced. The approved boundary treatment shall be installed prior to occupation of the building and be retained for so long as the development hereby permitted remains in existence. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area)
- (09) No building shall be first occupied until the drainage system has been implemented in accordance with the approved detailed design and a set of 'as built' drawings has been checked by a suitably qualified person, with written confirmation submitted to the Local Planning Authority for their approval. The drainage scheme should demonstrate that the surface water run-off generated by critical storms up to and including the 100 year + 40% climate change uplift storm will not exceed the drainage capacity of the site. (Reason: To prevent an increased risk of flooding)
- (10) Prior to the occupation of the building hereby permitted, a scheme to demonstrate that the rating level of sound emitted from any internal or external fixed plant and/or machinery associated with the development does not exceed the typical background sound level at any existing sound sensitive premises neighbouring the development site. Such a scheme shall be submitted in writing to the Local Planning Authority for approval. All measurements shall be made in accordance with BS4142:2014 (as amended) and the development shall then only be brought into use in full accordance with those approved details, which shall prevail for the lifetime of the development. (Reason: To protect the amenities of occupiers of existing premises in the vicinity of the application site)
- (ii) That delegated authority be granted to the Head of Development Management to make minor alterations to the conditions including adding or deleting following the Committee resolution to grant permission (should any be required);
- (iii) That, following the grant of permission that delegated authority be granted to the Head of Development Management to determine any subsequent planning applications related to this development seeking minor material amendments to the development (Section 73 applications).

69 Woodbury, Woodbury Hill Path, Luton - Ref 9

The Development Control Officer reported on application No. 20/00705/FUL submitted by Mr Warfield, in respect of the erection of 2 three bedroom dwellings following demolition of existing derelict house and garage, at Woodbury, Woodbury Hill Path, Luton.

An update report had been circulated to Members in advance of the meeting.

She reported that the application had been before the committee on two previous occasions. The first time was on 6 May 2020, when it was deferred to enable the applicant and objectors to exercise their right to speak. The second time was on 28 May 2020, when the application was refused for reasons of access to the site and privacy implications for adjoining occupiers, which had been addressed, as set out in the report and in the subsequent letter from the agent.

She further reported that the application was notified to 29 properties in close proximity to the site and a site notice posted, with 10 letters of representations objecting to the application received.

The Solicitor to the committee advised that, notwithstanding Highways comments on the suitability of access to the site, the owners of the land could prevent access. However, he added that the applicant did not need to own the access land to apply for planning permission.

By way of clarification, the Highways Manager informed the committee that Highways were not satisfied with the suitability of the access road.

In relation to right to speak, the agent for the applicant and an objector, representing 20 other nearby residents, addressed the committee.

A member's motion, which was initially seconded, that the application be deferred to enable the council website to be updated, so that members of the public could be informed, in relation to right to speak, that they could ask their ward councillors to speak on their behalf, was withdrawn following advice from the Head of Development Control.

The Chair moved that the application be approved as per the officers' recommendations in the report, which was carried.

Resolved: (i) That Application No. 20/00705/FUL be granted, subject to the conditions and their reasons set out below and reasons for approval as set out in the report as follows:

- (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 and document numbers: 18140-02-02-000, 18140-02-001, 18140-02-002, 18140-02-03-001, 18140-02-03-002, 18140-02-03-003, 18140-02-03-004, 18140-02-04-001, 18140-02-05-000, 1840-02-05-001, 18140-02-05-002, 18140-02-05-003, 18140-02-05-004, 18140-02-05-005, 200619 Woodbury Hill Transport Statement, DC01 Additional information, 18140-04-003, DC04-Civil & Structural Engineering Feasibility Report, 18194 Design & Access Statement- Resubmission, DC03-Planting Schedule, DC02-Planting Plan. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area)
- (03) Prior to occupation of the development full details of a landscaping scheme to include all hard surfaces, grassed areas, tree and shrub plantings and the proposed times of planting shall be submitted to the Local Planning Authority in writing for approval, and all grassed areas shall be laid out and all tree and shrub planting shall be carried out in accordance with the approved 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 ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area)

- (04) A landscape management plan, setting out management and maintenance responsibilities for all hard and soft landscape areas shall be submitted to the Local Planning Authority in writing for approval prior to the occupation of the development. The landscape management plan shall be carried out as approved and shall remain in force for so long as the development remains in existence. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area)
- (05) Full details of the proposed boundary treatment of the site shall be submitted to the Local Planning Authority in writing for approval prior to occupation of the development and the approved treatment shall be installed before the dwellings hereby permitted are occupied. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area)
- (06) The parking provision as identified on Plan No: 18140-02-03-001 Lower Ground Floor Plan shall be laid out and shall be ready for use prior to the occupation of the dwellings hereby permitted. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area)
- (07) The bin/cycle storage facilities hereby approved shall be laid out and shall be ready for use prior to the occupation of the dwellings hereby permitted. The bin storage facilities shall be retained for so long as the development remains in existence. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area)
- (08) A management plan for the movement and collection of refuse/recycling bins on collection days shall be submitted to the Local Planning Authority in writing for approval prior to occupation of the development. The development shall be occupied in strict accordance with those approved details thereafter. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area)
- (09) Prior to the commencement of above-ground works, samples of materials to be used in the construction of the external walls, windows and roofing of the development hereby approved shall be submitted to the Local Planning Authority in writing for approval. The development shall be carried out only in full accordance with those approved materials. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area)
- (10) Prior to the commencement of the development, a detailed Construction Management Plan (CMP) shall be submitted in writing for approval by the Local

Planning Authority, and the plan shall include the following:

- a) The construction programme and phasing;
- b) Hours of operation, delivery and storage of materials;
- c) Details of any highway works necessary to enable construction to take place;
- d) Parking and loading arrangements;
- e) Details of hoarding;
- f) Management of traffic to reduce congestion;
- g) Control of dust and dirt on the public highway;
- h) Details of consultation and complaint management with local businesses and neighbours;
- i) Waste management proposals;
- j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour; and
- k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.

All works shall be carried out in accordance with the approved CMP thereafter.
(Reason: In the interests of highway safety and the control of environmental implications associated with the construction of the development)

- (11) Triangular pedestrian visibility splays of 1.8 x 1.8 metres must be provided on either side of each drive opening onto the access road prior to occupation of the development hereby permitted. The splays shall be positioned within the site at right angles to the highway (measured at highway boundary/site boundary). The visibility splays so described shall be installed prior to first occupation of the development and 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)
- (12) No development shall take place until a plan detailing the protection and/or mitigation of damage to populations of the protected species of bats and newts and their associated habitat during both construction works and upon completion of development (including a timetable for implementation) has been submitted in writing to the Local Planning Authority for approval. The development shall then be carried out only in strict accordance with the approved details. (Reason: In the interests of ecological preservation)
- (13) No development shall commence until a scheme for the provision and management of compensatory habitat creation has been submitted in writing to the Local Planning Authority for approval. The development shall then proceed only in full accordance with those approved details. (Reason: In the interests of ecological preservation)

Informatives

(01) The applicant is advised that it is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site. If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

(02) The applicant is referred to comments received on behalf of Bedfordshire Fire and Rescue Service in relation to ensuring the proposed development will be compliant with Approved Document B, Volume 1 Dwellings Section 12 Vehicle Access.

(ii) That delegated authority is granted to the Head of Development Management to make minor alterations to the conditions following any Committee resolution to grant permission (should any be required);

(iii) That following any grant of permission that delegated authority is granted to the Head of Development Management to determine any subsequent planning applications related to this development seeking either minor material amendments (Section 73 applications) or minor variations to the accompanying legal agreement (Section 106A applications).

70 Opto Village - Nos 1-2 Spring Place and 4-16 Dumfries Street, Luton - Ref: 10; Nos 21-25 Chapel Street, Luton – Ref 10a and Nos. 146-158 Park Street, Luton - Ref 10b

The Development Control Officer reported on three related applications:

- Item: 10 - No. 20/00908/FUL - Opto Village, 1-2 Spring Place and 4-16 Dumfries Street, Luton
- Item: 10a - No. 20/00909/FUL - 21-25 Chapel Street, Luton and
- Item: 10b - 20/00910/FUL London Park House, 146-158 Park Street, Luton,

submitted by London Luton New Street Student Accommodation Ltd, in respect of change of use from student residential (Sui Generis) to student residential and co-living with business/conferencing space (Sui Generis), together with ancillary facilities.

An update report in relation to all three applications had been circulated to Members in advance of the meeting.

The Development Control Officer further reported that the applications had been notified to 47 adjoining properties in respect of Item 10, 28 in respect of Item 10a and 22 in respect of Item 10b, site notices posted and press notices issued. To date, one

representation had been received from the same party in relation to each of the 3 applications.

The agent for the applicant was in attendance and answered members' questions.

Resolutions:

Item 10: Opto Village, 1-2 Spring Place and 4-16 Dumfries Street, Luton

Resolved: (i) That Application 20/00908/FUL be granted, subject to the conditions and their reasons set out below (with amendments to the internal/external requirements (condition 4) and reasons for approval as set out in the report:

- (01) The development hereby permitted shall be begun not later than the expiration of six months 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 proceed only in strict accordance with the submitted 'Implementation Strategy' (ref: DC01). Within one month of the commencement of the use hereby permitted, confirmation of the successful implementation of the agreed strategy shall be submitted in writing to the Local Planning Authority for approval. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area)
- (03) 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 and document numbers: DC01, DC02, DC03, DC04, DC05, DC06, 140 REV M, 141 REV N, 142 REV N, 143 REV N, 144 REV Q, 145 REV N, 147 REV R, 150 REV M, 151 REV J, 152 REV J, 153 REV J, 154 REV J, 155 REV J, 156 REV N, 210 REV D, 211 REV D, 212 REV E, 213 REV E, 215 REV E, 216 REV D, 217 REV F, 218 REV F, 219 REV D, 220 REV C, 221 REV F, 222 REV D, 224 REV E, 225 REV D, 226 REV D and LP REV E. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area)
- (04) Prior to first use of the development, an 'Occupancy and Management Plan', including management responsibilities and maintenance schedules for all external and shared/common areas of the development hereby permitted that are not adopted by the Local Highways Authority, shall be submitted in writing to the Local Planning Authority for approval. The management plan shall be carried out as approved from first occupation and retained for the lifetime of the development. (Reason: To ensure a satisfactory standard of development, to safeguard the amenities of the surrounding area and to provide a safe and acceptable living environment to future occupiers)
- (05) The development hereby permitted shall be occupied only in strict accordance with the submitted 'Occupancy Schedule' (ref: DC02). (Reason: To ensure a satisfactory standard of development, to safeguard the amenities of the surrounding area and to provide a safe and acceptable living environment to future occupiers)

- (06) The development hereby permitted shall be operated only in strict accordance with the submitted 'Travel Plan' (ref: DC04). (Reason: To ensure a satisfactory standard of development, to safeguard the amenities of the surrounding area and in the interests of sustainability)
- (ii) That delegated authority is granted to the Head of Development Management to make minor alterations to the conditions following any Committee resolution to grant permission (should any be required);
- (iii) That following any grant of permission that delegated authority is granted to the Head of Development Management to determine any subsequent planning applications related to this development seeking either minor material amendments (Section 73 applications).

Item 10a: Application No. 20/00909/FUL - Nos 21-25 Chapel Street, Luton

Resolved: (i) That Application 20/00909/FUL be granted, subject to the conditions and their reasons set out below (with amendments to the internal/external requirements (condition 4) and reasons for approval as set out in the report:

- (01) The development hereby permitted shall be begun not later than the expiration of six months 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 proceed only in strict accordance with the submitted 'Implementation Strategy' (ref: DC02). Within one month of the commencement of the use hereby permitted, confirmation of the successful implementation of the agreed strategy shall be submitted in writing to the Local Planning Authority for approval. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area)
- (03) 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 and document numbers: DC01, DC02, DC03, DC04, DC05, DC07, 200 REV B, 210 REV N, 211 REV Q, 212 REV M, 213 REV L, 214 REV M, 215 REV M, 216 REV O and 22 REV P. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area)
- (04) Prior to first use of the development, an 'Occupancy and Management Plan', including management responsibilities and maintenance schedules for all external and shared/common areas of the development hereby permitted that are not adopted by the Local Highways Authority, shall be submitted in writing to the Local Planning Authority for approval. The management plan shall be carried out as approved from first occupation and retained for the lifetime of the development. (Reason: To ensure a satisfactory standard of development, to safeguard the amenities of the surrounding area and to provide a safe and acceptable living environment to future occupiers)
- (05) The development hereby permitted shall be occupied only in strict accordance with the submitted 'Occupancy Schedule' (ref: DC03). (Reason: To ensure a

- satisfactory standard of development, to safeguard the amenities of the surrounding area and to provide a safe and acceptable living environment to future occupiers)
- (06) The development hereby permitted shall be operated only in strict accordance with the submitted 'Travel Plan' (ref: DC04). (Reason: To ensure a satisfactory standard of development, to safeguard the amenities of the surrounding area and in the interests of sustainability)
- (ii) That delegated authority is granted to the Head of Development Management to make minor alterations to the conditions following any Committee resolution to grant permission (should any be required);
- (iii) That following any grant of permission that delegated authority is granted to the Head of Development Management to determine any subsequent planning applications related to this development seeking either minor material amendments (Section 73 applications)

Item 10b: Application No. 20/00910/FUL London Park House, 146-158 Park Street, Luton

Resolved: (i) That Application 20/00910/FUL be granted, subject to the conditions and their reasons set out below (with amendments to the internal/external requirements (condition 4) and reasons for approval as set out in the report:

- (01) The development hereby permitted shall be begun not later than the expiration of six months 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 proceed only in strict accordance with the submitted 'Implementation Strategy' (ref: DC01). Within one month of the commencement of the use hereby permitted, confirmation of the successful implementation of the agreed strategy shall be submitted in writing to the Local Planning Authority for approval. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area)
- (03) 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 and document numbers: DC01, DC02, DC03, DC04, DC05, LP, 200 REV D, 210 REV E, 211 REV P, 212 REV H, 213 REV H, 214 REV G, 230 REV A, 231 REV A and 232 REV A. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area)
- (04) Prior to first use of the development, an 'Occupancy and Management Plan', including management responsibilities and maintenance schedules for all external and shared/common areas of the development hereby permitted that are not adopted by the Local Highways Authority, shall be submitted in writing to the Local Planning Authority for approval. The management plan shall be carried out as approved from first occupation and retained for the lifetime of the development. (Reason: To ensure a satisfactory standard of development, to safeguard the amenities of the surrounding area and to provide a safe and acceptable living environment to future occupiers)

- (05) The development hereby permitted shall be occupied only in strict accordance with the submitted 'Occupancy Schedule' (ref: DC04). (Reason: To ensure a satisfactory standard of development, to safeguard the amenities of the surrounding area and to provide a safe and acceptable living environment to future occupiers)
- (06) The development hereby permitted shall be operated only in strict accordance with the submitted 'Travel Plan' (ref: DC03). (Reason: To ensure a satisfactory standard of development, to safeguard the amenities of the surrounding area and in the interests of sustainability)
- (ii) That delegated authority is granted to the Head of Development Management to make minor alterations to the conditions following any Committee resolution to grant permission (should any be required);
- (iii) That following any grant of permission that delegated authority is granted to the Head of Development Management to determine any subsequent planning applications related to this development seeking either minor material amendments (Section 73 applications)

71 Courtyard by Marriott London Luton Airport, Airport Way, Luton, LU2 9LF - Ref 11

The Development Control Officer reported on Application No. 20/00646/FUL, submitted by Molo Hotels (Luton 2) Ltd for the erection of an eight-storey hotel (with additional roof plant level), comprising 171 bedrooms with associated guest amenities, including fitness centre and rooftop bar at Courtyard by Marriott London Luton Airport, Airport Way, Luton.

An update to the report was circulated to Members in advance of the meeting.

The Development Control Officer further reported that the application had been notified to 18 properties, a site notice posted and a press notice issued. To date, no representation had been received.

In relation to the right of speak, the agent for the applicant addressed the committee.

Resolved: (i) That Application No. 20/00646/FUL be granted, subject to the conditions and their reasons set out below and reasons for approval as set out in the report and subject to the satisfactory completion of the necessary mechanisms to secure the delivery of local goods, services and labour and a monitoring fee (to a maximum of £5,000):

- (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 and document numbers: PL(00)001, PL(00)005,

Proposed ground floor plan 1:200, PL(00)011, PL(00)012, PL(00)018, PL(00)014, PL(00)015, PL(00)016, PL(00)017, PL(00)020, PL(00)021, Proposed west elevation 1:200, PL(00)025, PL(00)026, PL(00)027, PL(00)028, PL(00)029, PL(00)030. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area)

- (03) Prior to the commencement of the development, a detailed Construction Management Plan (CMP) shall be submitted for approval the Local Planning Authority, and the plan shall include the following:
- a) The construction programme and phasing
 - b) Hours of operation, delivery and storage of materials
 - c) Details of any highway works necessary to enable construction to take place (a dilapidation survey of the roads and footways adjoining the site must take place before works commence)
 - d) Parking and Loading arrangements
 - e) Details of hoarding
 - f) Management of traffic to reduce congestion
 - g) Control of Dust and Dirt on the public highway
 - h) Details of consultation and complaint management with local businesses and neighbours
 - i) Waste management proposals
 - j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour
 - k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures
- All works shall be carried out in accordance with the approved CMP thereafter. (Reason: In the interests of highway safety and control of environmental impacts)
- (04) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no electronic communications installations/equipment shall be erected, constructed, installed or placed on or the development hereby permitted without the prior permission of the Local Planning Authority. (Reason: To prevent adverse implications upon the high quality design of the development to the detriment of the amenities of the surrounding area)
- (05) Prior to the commencement of above-ground works, full details (including samples) of the materials to be used in the construction of the external elevations of the development, shall be submitted in writing to the Local Planning Authority for approval. The development shall be carried out only in full accordance with those approved materials. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area)

- (06) Prior to the commencement of above-ground works (not including clearance/demolition), a scheme for the production of renewable energy, the reduction of energy and water demand, conservation and best-use of generated resources, and mitigation against wastage, together with details of management, maintenance and servicing, shall be submitted in writing to the Local Planning Authority for approval. All measures thereby approved shall be installed and implemented in accordance with a timetable to be agreed in writing by the Local Planning Authority as a part of those submitted details and shall be retained thereafter for the lifetime of the development. (Reason: In the interests of sustainability and the mitigation of climate change)
- (07) Prior to first occupation of the development hereby permitted, full details of hard and soft landscaping, including the details of the management and maintenance of those hard and soft landscaped areas, shall be submitted in writing to the Local Planning Authority for approval. Those approved details shall be implemented prior to first occupation of the development and retained thereafter for so long as it remains in existence. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area)
- (08) Prior to first use of the development, a management plan, including management responsibilities and maintenance schedules for all external and shared/common areas of the development hereby permitted that are not adopted by the Local Highways Authority, shall be submitted in writing to the Local Planning Authority for approval. The management plan shall be carried out as approved from first occupation and retained for the lifetime of the development. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of future occupiers and the surrounding area)
- (09) Prior to first occupation of the development hereby permitted, full details of the boundary treatment of the site shall be submitted in writing to the Local Planning Authority for approval. Those approved details shall be installed prior to the first occupation of the development and retained thereafter. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of future occupiers and the surrounding area)
- (10) Prior to first occupation of any part of the development, a refuse and recycling management plan, including management responsibilities, cleaning and maintenance schedules and security measures for all processes and relevant areas, shall be submitted in writing to the Local Planning Authority for approval. Refuse and recycling shall only be stored in the bin store area as indicated on the proposed site plan (ref: Proposed Ground Floor Plan 1:200). The refuse and recycling management plan shall be carried out as approved from first occupation and retained for the lifetime of the development. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of future occupiers and the surrounding area)
- (11) Prior to the first occupation of the building, a comprehensive scheme of site security measures, to provide for matters of CCTV and secure entry systems, in addition to including details of the ongoing management and maintenance thereof, shall be submitted in writing to the Local Planning Authority for

approval. The scheme thereby approved shall be installed prior to first occupation and retained thereafter for the lifetime of the development. (Reason: In the interests of crime prevention and good design)

- (12) No external lighting shall be installed on the site, other than in accordance with a scheme to be submitted in writing to the Local Planning Authority for approval beforehand. The scheme, lighting equipment and levels of illumination shall comply with guidance issued by the Institution of Lighting Engineers in their publication "The ILE Outdoor Lighting Guide" and shall be accompanied by a statement from the developer confirming that compliance. The scheme shall be implemented prior to first occupation of development and thereafter be retained as approved for so long as the development remains in existence. (Reason: In the interests of site security and to safeguard the amenities of adjoining occupiers)

Informative: The lighting scheme shall ensure that there is no light spill above the horizontal in order to ensure that lighting will not distract pilots

- (13) Prior to first use of the development, a car park management strategy, including details of space allocation and the availability of electric vehicle charging points for the development hereby permitted (5% of the total parking spaces with the ability to take that up to 10% of parking spaces will need to have electric charging points), and the management and maintenance thereof, shall be submitted in writing to the Local Planning Authority for approval. The car park management plan shall be carried out as approved from first occupation and retained for the lifetime of the development. (Reason: In the interests of highway and pedestrian safety, the character of the surrounding area and sustainability)

- (14) No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage using sustainable urban drainage methods and foul water drainage for the development has been submitted in writing to the Local Planning Authority for approval. The submitted drainage plan shall include confirmation of approval of the proposed connection to the 500mm surface water sewer by the party responsible for the sewer if it is proposed to be used and if the existing surface water drainage system is to be reused, a CCTV survey will be required to confirm the robustness and suitability of the system. The approved details shall be implemented prior to occupation of the development and retained thereafter. (Reason: To prevent an increased risk of flooding and to prevent pollution of the water environment)

Informative: The proposed connection to the 500mm surface water sewer (as proposed in the Drainage Strategy by Molo Hotels Luton 2 Ltd) requires confirmation from the party responsible for the sewer to confirm its capacity and the permission to connect. Luton Borough Council are not the party responsible for the sewer.

- (15) Before the operational use of the building commences a verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), shall be submitted for approval to the

Local Planning Authority. The verification report shall include photographs of excavations and soil profiles/horizons, any installation of any surface water structure and control mechanism. (Reason: To prevent pollution of the water environment)

- (16) The development hereby approved shall not be commenced until full details of a scheme for full building mechanical ventilation has been submitted to and approved in writing by the Local Planning Authority in consultation with the Council's Environmental Protection team. The scheme thereby approved shall be implemented in full prior to the occupation of the building and maintained for as long as the development remains in existing. (Reason: To ensure a satisfactory internal environment is achieved)
- (17) Prior to any hereby permitted use commencing, a scheme containing full details of arrangements for internal air extraction, odour control, and discharge to atmosphere from cooking operations, including any external ducting and flues, shall be submitted to and approved in writing by the local planning authority. The works detailed in the approved scheme shall be installed in their entirety before the use hereby permitted is commenced. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions and operated at all times when cooking is being carried out unless otherwise agreed beforehand in writing with the local planning authority. (Reason: To protect the amenity of neighbouring occupiers and land users)
- (18) In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing. (Reason: To ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990)
- (19) No above ground development shall take place until a scheme for protecting hotel rooms from noise arising from external and internal noise sources has been submitted to and approved in writing by the local planning authority. The scheme shall follow the recommendations identified in the Cass Allen Noise Assessment report (Ref: RP01-20194) dated 5th June 2020. There shall be no occupation of any of the hotel rooms until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter. (Reason: To protect the amenity of future occupiers of the hotel)
- (20) The cycle storage for the development, as identified on the approved plan Proposed Ground Floor Scale 1:200, shall be laid out and ready for use prior to the first occupation of the development hereby permitted. The cycle storage as approved shall be retained for as long as the development remains in existence. (Reason: To encourage more sustainable methods of travel)

- (21) The development hereby permitted shall be operated in full accordance with the travel plan as indicated in the Travel Plan 8th June 2020 Markides Associates Ref: 19356-01 TP01 for as long as the development remains in existence.
(Reason: In the interests of highway safety and to encourage more sustainable methods of travel)

Informatives

- (1) No cranes shall be brought on to the site without approval from London Luton Airport, details of any cranes to be used must be submitted to London Luton Airport 28 days before the cranes are brought on to the site.
- (2) No works shall be carried out within the confines of the public highway, including the erection of scaffolding, hoarding, excavation and placing of skips or materials, without the necessary licence under the Highways Act or New Road and Street Works Act from the Highway Authority. The applicant is advised that such licences will be conditional upon the applicant fully funding the reinstatement or reconstruction of any area of Public Highway affected by the works as determined by the Highway Authority and such funding will be secured by the deposit of a cash bond from the applicant with the licence application. The applicant is further advised that the Highway Authority will not permit the closure or occupation of any part of the carriageway.
- (ii) That delegated authority be granted to the Head of Development Management to make minor alterations to the conditions following any Committee resolution to grant permission (should any be required);
- (iii) That following any grant of permission that delegated authority be granted to the Head of Development Management to determine any subsequent planning applications related to this development seeking either minor material amendments (Section 73 applications) or minor variations to the accompanying legal agreement (Section 106A applications)

72 Manor Court, Manor Road, Luton - Ref 12

The Development Control Officer reported on Application No. 20/00498/TEMP, submitted by Campus Living Village for the temporary change of use of the buildings from student accommodation to flexible hotel/student accommodation use at Manor Court, Manor Road, Luton.

He advised the committee that paragraph 19 of the report should be deleted in its entirety, as entered in error.

The Development Control Officer further reported that the application had been notified to 22 properties, a site notice posted and a press notice issued. To date, 4 representations had been received.

In relation to the right of speak, the agent for the applicant addressed the committee.

Resolved: (i) That Application No. 20/00498/TEMP be granted, subject to the conditions and their reasons set out below (with amendments to the internal/external requirements (condition 3) and reasons for approval as set out in the report:

- (01) The permission hereby granted shall be limited to a period expiring on 1st November 2022 whereupon the use hereby granted temporary consent shall be discontinued unless before that date permission has been given for its/their retention. (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, and to allow the Local Planning Authority to consider materiality of the development at that time)
- (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 and document numbers: DC01, DC02, DC03, 62262171/1, 62262171/2, 62262171/3, 62262171/4, 62262171/5, 62262171/6, 62262171/BP and 62262171/SLP. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area)
- (03) Prior to first use of the development, a management plan, including management responsibilities and maintenance schedules for all external and shared/common areas of the development hereby permitted that are not adopted by the Local Highways Authority, shall be submitted in writing to the Local Planning Authority for approval. The management plan shall be carried out as approved from first occupation and retained for the lifetime of the development. (Reason: To ensure a satisfactory standard of development, to safeguard the amenities of the surrounding area and to provide a safe and acceptable living environment to future occupiers/users)
- (03) Prior to the use of any other part of the site beyond 'Jubilee Hall' (as indicated on plan No. 62262171/BP) for the purposes of guest/non-student accommodation, a management plan related to that part of the site shall be submitted in writing to the Local Planning Authority for approval. Those approved details shall be implemented from first occupation and strictly accorded to thereafter. (Reason: To ensure a satisfactory standard of development, to safeguard the amenities of the surrounding area and to provide a safe and acceptable living environment to future occupiers/users)
- (04) Notwithstanding the submitted details and subject to Condition 04, at no time shall more than 153 rooms be occupied for non-student accommodation purposes. (Reason: To ensure a satisfactory standard of development, to safeguard the amenities of the surrounding area and to provide a safe and acceptable living environment to future occupiers/users)
- (ii) That delegated authority is granted to the Head of Development Management to make minor alterations to the conditions following any Committee resolution to grant permission (should any be required);
- (iii) That following any grant of permission that delegated authority is granted to the Head of Development Management to determine any subsequent planning applications related to this development seeking either minor material amendments (Section 73 applications).

73 Cresta House, Alma Street, Luton - Ref 13

The Development Management Officer reported on Application No. 20/00514/FUL submitted by Leos Luton Development Ltd, for planning permission in relation to the erection of a three storey roof extension to provide 28 flats (nine one-bedroom, 17 two-bedroom and two three-bedroom) and alterations to the existing building, together with associated amenity areas, cycle parking, refuse/recycling provisions and associated works at Cresta House, Alma Street, Luton.

An update to the report was circulated to Members in advance of the meeting.

The Development Control Officer further reported that the application had been notified to 98 properties, a site notice posted and a press notice issued. To date, 2 representations had been received.

In relation to the right to speak, the agent for the applicant addressed the committee.

Resolved: (i) That Application No 20/00514/FUL to be granted, subject to the conditions and their reasons set out below and reasons for approval as set out in the report and subject to the satisfactory completion of the necessary mechanisms to: secure delivery of planning obligations in relation to financial contributions towards Primary and Secondary Education and Car Club, subject to an overage clause(s), with any additional contributions to be directed towards Affordable Housing, a mechanism to secure the delivery of local goods, services and labour and a monitoring fee.

- (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 and document numbers: DC01, DC02, DC03, DC04, DC05, DC06, DC07, DC13, DC14, DC14A, DC14B, DC14C, DC14D, DC15, DC15A, DC15B, DC15C, DC15D, D201, D202, E10-ETE, E100-ETE, E101-ETE, E102-ETE, E103-ETE, E104-ETE, E105-ETE, E106-ETE, E107-ETE, E110-ETE, E111-ETE, E112-ETE, E113-ETE, E99-ETE, P100-ETE, P101-ETE, P102-ETE, P103-ETE, P104-ETE, P105-ETE, P106-ETE, P107-ETE, P108-ETE, P109-ETE, P110-ETE, P111-ETE, P112-ETE, P113-ETE, P114-ETE and P99-ETE. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area)
- (03) No development, including any works of demolition, shall take place until a Construction Method Statement (CMS) has been submitted in writing to the Local Planning Authority for approval. The approved Statement shall be adhered to throughout the demolition/construction period. The Statement shall provide for:
 - (i) Operating hours: No demolition, construction or contaminated land remediation activities, movement of traffic, or deliveries to and from the premises, shall occur other than within the hours agreed with the Local Planning Authority. Any proposed extension to these agreed hours, other

than for emergency works, shall be agreed with the Local Planning Authority before work commences;

- (ii) the parking of vehicles of site operatives and visitors;
- (iii) a dilapidation survey demonstrating the condition of the highway, inclusive of crossovers, kerbs and pedestrian footways, prior to the commencement of demolition and construction to be used for comparison following the completion of works and first operation of the development;
- (iv) loading and unloading of plant and materials;
- (v) storage of plant and materials used in constructing the development;
- (vi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (vii) wheel washing facilities;
- (viii) measures to, where appropriate, manage the safe removal and disposal of asbestos material;
- (ix) measures to control the emission of dust and dirt during construction; and
- (x) a scheme for recycling/disposing of waste resulting from demolition and construction works.

The development shall then proceed only in strict accordance with those approved details. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area during construction)

- (04) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no electronic communications installations/equipment shall be erected, constructed, installed or placed on or the development hereby permitted without the prior permission of the Local Planning Authority. (Reason: To prevent adverse implications upon the high quality design of the development to the detriment of the amenities of the surrounding area and heritage assets)
- (05) Prior to the commencement of above-ground works, full details (including samples) of the materials to be used in the construction of the external elevations of the development, including enhancements to the façade of the existing building, details of ongoing maintenance of cladding systems to perpetuate their quality of appearance and drawings showing the depth of window reveals on each of the elevations, shall be submitted in writing to the Local Planning Authority for approval. The development shall be carried out only in full accordance with those approved materials. No unit shall be occupied until those alterations to the external appearance of the existing building have been undertaken as approved. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area)

- (06) Prior to the first occupation of the development, a scheme for the production of renewable energy, the reduction of energy and water demand, conservation and best-use of generated resources, and mitigation against wastage, together with details of management, maintenance and servicing, shall be submitted in writing to the Local Planning Authority for approval. All measures thereby approved shall be installed and implemented in accordance with a timetable to be agreed in writing by the Local Planning Authority as a part of those submitted details and shall be retained thereafter for the lifetime of the development. (Reason: In the interests of sustainability and the mitigation of climate change)
- (07) Prior to first use of the development, a management plan, including management responsibilities and maintenance schedules for all external and shared/common areas of the development hereby permitted that are not adopted by the Local Highways Authority, shall be submitted in writing to the Local Planning Authority for approval. The management plan shall be carried out as approved from first occupation and retained for the lifetime of the development. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of future occupiers and the surrounding area)
- (08) Prior to first occupation of any part of the development, a refuse and recycling management plan, including management responsibilities, cleaning and maintenance schedules and security measures for all processes and relevant areas, shall be submitted in writing to the Local Planning Authority for approval. The refuse and recycling management plan shall be carried out as approved from first occupation and retained for the lifetime of the development. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of future occupiers and the surrounding area)
- (09) Prior to the first occupation of the building, a comprehensive scheme of site security measures, to include details of the ongoing management and maintenance thereof, shall be submitted in writing to the Local Planning Authority for approval. The scheme thereby approved shall be installed prior to first occupation and retained thereafter for the lifetime of the development. (Reason: In the interests of crime prevention and good design)
- (10) The development hereby permitted shall be occupied only in strict accordance with the submitted 'Travel Plan' prepared by Velocity Transport Planning dated June 2020 (ref: D202). (Reason: In the interests of sustainability)
- (11) No above-ground works shall commence until a noise assessment has been undertaken and submitted in writing to the Local Planning Authority for approval. The noise assessment shall identify all potential sources of noise likely to impact on the site (including those forming part of this development), and assess them in accordance with relevant procedures and standards. The results shall be reported in writing to the Local Planning Authority, and the report shall identify suitable measures to control noise impacts on future occupiers of the development. The development shall be carried out only in accordance with the approved noise mitigation details and the approved noise mitigation scheme shall be retained thereafter for so long as the development remains in existence. (Reason: To protect the amenities of future occupiers)

(12) The design of balconies within the development hereby permitted shall be such that objects cannot roll or fall from them onto the adopted highway. (Reason: In the interests of highway and pedestrian safety)

(ii) That delegated authority be granted to the Head of Development Management to make minor alterations to the conditions following any Committee resolution to grant permission (should any be required);

(iii) That following any grant of permission that delegated authority be granted to the Head of Development Management to determine any subsequent planning applications related to this development seeking either minor material amendments (Section 73 applications) or minor variations to the accompanying legal agreement (Section 106A applications).

75 No. 40A Thornhill Road, Luton - Ref 14

The Development Management Officer reported on Application No. 20/00556/FUL submitted by TowerCo and Vodafone Ltd and Telefonica UK Ltd, for planning permission in relation to the removal of existing telecommunications mast and associated apparatus and installation of new 22.5 metre mast including 6 no. antennas and associated apparatus and ancillary works at 40A Thornhill Road, Luton.

The Development Control Officer advised that the application had been previously considered and granted by the committee at its meeting on 26 August 2020. He added that before the decision was issued, a 134 signature e-petition had been received objecting to the application on similar issues as the first petition considered by the committee on 26 August 2020, of which the committee needed to be made aware.

Right of speak had been already been used at the previously meeting on 26 August 2020.

The recommendations in the report was moved and carried.

Cllr A. Hussain requested that his vote against the application be recorded.

Resolved: (i) That the resolution to grant planning permission in relation to Application No. 20/00556/FUL at the 26th August meeting be reaffirmed, subject to the conditions and their reasons set out below and reasons for approval as set out in the report:

- (01) The development hereby permitted shall be begun not later than the expiration of 3 years beginning with the date of this permission. (Reason: To limit the duration in accordance with the provision of Sections 91-96 of the Town & Country Planning Act 1990)
- (02) The development hereby permitted shall not be carried out other than in complete accordance with the approved plans nos. 34300-22-100-MD006Rev6, 3400-22-101-MD006Rev6, 3400-22-150-MD006Rev6. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area and adjoining occupiers)

- (03) The existing mast shall be removed within 31 days following completion of the new mast and associate apparatus. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area and adjoining occupiers)
- (04) Noise resulting from the operation of the telecommunications installation hereby approved shall not exceed the background noise level of the site when the mast is not in use inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142:2014. (Reason: To protect the amenity of nearby residential occupiers)
- (ii) That authority be delegated to the Head of Development to issue a decision notice taking into account the further representations received on the application.

76 The Chalk Hills Academy, Legrave High Street, Luton - Ref 15

The Development Management Officer reported on Application No. 20/00971/REG3 submitted by Luton Borough Council, for planning permission in relation to the erection of a single storey detached building and extension of existing footpath to provide two changing rooms at The Chalk Hills Academy, Legrave High Street, Luton.

An update to the report was circulated to Members in advance of the meeting.

The Development Control Officer further reported that the application had been notified to 25 properties and to date, 2 representations had been received.

In relation to the right of speak, an objector addressed the committee.

Following discussion, a member moved that consideration and determination of the application be deferred pending consultation with the applicant about the re-location of the proposed building to a different area of the site. This was seconded and carried.

Resolved: That consideration and determination of Application No 20/00971/REG3 be deferred to a future meeting of the committee, pending consultation with the applicant about the re-location of the proposed building to a different area of the site.

(Notes: (i) Councillor Donelon could not hear the beginning of Item 8 due to technical problems. Although she supported the resolution, her vote on the item was not counted;

(ii) Councillor Bridgen declared a personal prejudicial interest in respect of Item 8, as a Luton Town Football Club season ticket holder. He remained in the virtual meeting room, but took no part in consideration of the item and did not vote on it.

(iii) Items 14 and 15 were taken in reversed order;

(iv) The meeting ended at 9.10 pm)

