

COMMITTEE: DEVELOPMENT CONTROL

DATE: 16<sup>TH</sup> MARCH 2005

SUBJECT: GLOUCESTER HOUSE, MANOR ROAD  
DEMOLITION OF BUILDING AND ERECTION OF  
4/5 STOREY BUILDING COMPRISING 17  
COMMERCIAL UNITS AND 27 NO. ONE BEDROOM  
FLATS WITH ASSOCIATED BASEMENT PARKING.  
(APPLICANT: GPS PROPERTIES LTD.)  
(APPLICATION NO. 04/01869/FUL).

REPORT BY: DEVELOPMENT CONTROL MANAGER

CONTACT OFFICER: DAVID HALL 546317

IMPLICATIONS:

LEGAL	COMMUNITY SAFETY
EQUALITIES	ENVIRONMENT
FINANCIAL	CONSULTATIONS
STAFFING	OTHER

WARDS AFFECTED: SOUTH

---

**PURPOSE**

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

**RECOMMENDATION(S)**

2. That, although the application proposes redevelopment including residential accommodation and therefore represents a departure from the development plan, planning permission be granted subject to the following conditions:

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

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

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

*Reason: To enhance the appearance of the proposed development. To accord with the objectives of Policy(ies) BP1, E1, LC2 and LC6 of the Borough of Luton Local Plan.*

- (03) The basement area shall be used for car parking solely in connection with the residential development; the ground floor car parking area shall be used solely by the occupiers of the commercial premises. Both shall be ready for use prior to the occupation of the building comprised in the development hereby permitted.

*Reason: To ensure that adequate provision is made for vehicles to park clear of the highway in the interests of road safety. To accord with the objectives of Policy(ies) BP1, E1, E8 and T7 of the Borough of Luton Local Plan.*

- (04) 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: To ensure that adequate provision is made for vehicles to park clear of the highway in the interests of road safety. To accord with the objectives of Policy(ies) BP1, E1, E8 and T7 of the Borough of Luton Local Plan.*

- (05) Samples of the materials to be used in the construction of the external walls and roofing of the new building shall be submitted to and approved by the Local Planning Authority before the development is commenced.

***Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policy(ies) BP1, E1, E8 and T7 of the Borough of Luton Local Plan.***

- (06) The construction of the surface and foul water drainage system shall be carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency and Thames Water Utilities before the development is commenced.

***Reason: To prevent pollution of the water environment. To accord with the objectives of Policy(ies) BP1, E1 and E8 of the Borough of Luton Local Plan.***

- (07) The scheme shall make provision for dustbin/enclosed refuse collection area(s) to be sited at a distance of not more than 25 metres from an adopted highway, which shall be installed prior to the occupation of any building on the site.

***Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policy(ies) BP1, E1, H1 and H2 of the Borough of Luton Local Plan.***

- a. (08) The design and specifications of the proposed residential accommodation shall be such that the night time noise levels within any bedroom, with windows closed, shall not exceed 30dB(A) LAeq and day time levels shall not exceed 40dB(A) LAeq. Details of noise insulation measures, including the windows to the front and rear facades of the building shall be submitted to and approved by the Local Planning Authority before any work is commenced and the approved insulation scheme shall be completed prior to the occupation of the development.

***Reason: To protect the amenities of the residents of the development. To accord with Policies E1 and H2 of the Borough of Luton Local Plan.***

- (09) The commercial units hereby approved shall be used for purposes within Use Classes B1(a) and B1(b) and for no other purpose including any other purpose within Use Class B1(c) specified in the Schedule to the Town and Country Planning (Use Classes) Order, 1987, (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

***Reason: To protect the amenities of the residents of the development. To accord with Policies E1 and H2 of the Borough of Luton Local Plan.***

- (10) Before the development hereby permitted is commenced, the developer will complete a desktop study to establish whether the site is potentially contaminated. The desktop study shall be submitted to the Local Planning Authority for consideration in

consultation with the Environment Agency and the Council's Environmental Health Service and no development shall take place on the site until the Local Planning Authority has formally discharged this condition.

*Reason: To ensure adequate safeguards are taken during construction of the development, having regard to existing ground conditions, and to prevent pollution of the water environment and risk to other receptors. To accord with the objectives of Policy(ies) E13 of the Borough of Luton local Plan.*

- (11) Pursuant to the satisfactory discharge of condition 09 and, if the desktop study required by that condition has so indicated, an intrusive soil investigation shall be undertaken to assess the degree and nature of any contamination present, and to determine its potential for pollution of the water environment and risk to other receptors via a qualitative risk assessment. The method and extent of the investigation shall be agreed with the Local Planning Authority in consultation with the Environment Agency and the Council's Environmental Health Service beforehand and the investigation shall be undertaken prior to the commencement of the development

*Reason: To ensure adequate safeguards are taken during construction of the development, having regard to existing ground conditions, and to prevent pollution of the water environment and risk to other receptors. To accord with the objectives of Policy(ies) E13 of the Borough of Luton Local Plan.*

- (12) Subject to the result of the studies required by conditions 09 and 10, a remediation strategy setting out a timetable of works and the proposed means of dealing with any contamination on site, including provisions for monitoring any specified actions and validating the outcomes, shall then be submitted to and approved by the Local Planning Authority in consultation with the Environment Agency and the Council's Environmental Health Service before the development commences. The development shall then proceed in strict accordance with the approved remediation strategy.

*Reason: To ensure adequate safeguards are taken during construction of the development, having regard to existing ground conditions, and to prevent pollution of the water environment and risk to other receptors. To accord with the objectives of Policy(ies) E13 of the Borough of Luton Local Plan.*

## **BACKGROUND**

3. The application relates to the redevelopment of Gloucester House, Manor Road.

## **REPORT**

### The Proposals

4. The application proposes, the demolition of the existing building and erection of a 4/5 storey building comprising 17 commercial units and 27 x one bedroom flats with associated basement parking.

### Site and Surroundings

5. The application site is located on the corner of Manor Road and Gloucester Road and is adjacent to the university halls of residence on its southwest boundary. On the remaining boundaries the site is adjoined by commercial development comprising a mixture of B2 use (car repairs) immediately adjoining and B1 use.

6. The university buildings are 4 storeys in height and the existing building has a 3 storey and graded single storey element. The remaining development in Gloucester Road is 2 storeys, with single storey development fronting Bolton Road to the northeast. There is therefore a diminishing visual profile currently evident in the streetscene, from four storeys to single storey development.

7. The application site is opposite public open space.

### Planning History

8. The current building on the site has been vacant for several years and its redevelopment is almost certain to be necessary to achieve beneficial use of the site. The following comprises the relevant site history, 02/01419/COU – Change of use and conversion of light industrial/office building to college facility to provide lecture theatres, library, canteen and offices, plus alterations to external appearance – conditional permission – 16.04.03

9. 04/00923/FUL – Demolition of building and erection of 4/5 storey building comprising 6 offices and 38 one bedroom flats with associated basement parking – Refused – 27.08.04

### Relevant Planning Policy

10. The site is located within an Employment Area on the proposals map of the Adopted Luton Borough Local Plan, and is identified as a key Employment Area on the proposals map of the emerging Luton Local Plan 2001-2011 Second Deposit Draft.

### Consultations and Publicity

11. As a result of technical consultations the following responses have been received:

12. Highway Authority comments:

- No part of any structure should overhang onto the public highway
- No works shall be carried out within the confines of the highway.
- Balconies must be safely designed.
- Pedestrian visibility splays do not meet the necessary requirements.

13. London Luton Airport:
  - No objections.
14. Environment Agency:
  - No objections subject to conditions.
15. Thames Water:
  - No objection subject to informative regarding backflow valve and proper provision for surface water drainage.
16. Chief Building Control Surveyor:
  - No comments received.
17. Veolia Water:
  - Groundwater protection to be undertaken in accordance with British Standards.
18. Environmental Health (Environmental Protection):
  - No comments received.Previous comments:
  - Soil samples to be undertaken to ascertain extent of ground contamination.
  - Appropriate noise insulation standards to comply with the Standards set out in BS8233: 1999 (sound insulation in buildings).
19. Wildlife Trust:
  - No comments received.
20. The Application has been notified to local occupiers. A site notice has been posted, and details of the application published in the paper. There has been no response to this publicity.

### Main Considerations

#### Principle of Development

21. *Suitability of Site* -The application site is located in an Employment Area and is adjoined by a B2 use (car repairs) and also by a distribution facility. In the case of the latter this operates 7 days a week, 24 hours a day. Other businesses in close proximity include a waste recycling facility. The majority of the premises in the locality appear to be occupied; the area is an active employment area.

22. The current application differs from the previous refusal by providing commercial development on that part of the site which fronts Gloucester Road, with a smaller residential element fronting Manor Road. The revised application therefore provides a smaller proportion of residential development than the scheme refused in August 2004. The overall design also ensures that the proposed commercial units abut the existing commercial uses near the site and act as a “buffer” between those uses and the proposed residential units which, in turn, are adjacent to the existing student residential blocks in Manor Road.

23. The use of the land for any development other than employment use would be contrary to both current and emerging development plans, both of which seek to safeguard

such land. The breakdown of the floorspace indicates that, of the total net floorspace (2869 sq.m), 1041 sq.m (36%) will be allocated for commercial purposes with 1000 sq.m for residential (34%) use and the balance of 828 sq.m being used for parking and circulation. The net loss of commercial floorspace would be 657 sq. metres.

24. Give the fact that the predominant use would continue to be for employment purposes (albeit marginally) it may be considered that the development provides an innovative approach to residential development, without compromising the employment function of the area.

25. Design – The development proposes a 5 storey building but with two distinctly separate elements. The two elements demarcate the two land use functions.

26. Car Parking – The plans provide for 5 spaces at ground floor with 23 spaces in the basement (total 28 spaces). This provision is against an overall requirement of 27 spaces for the residential development (1.0 spaces per unit) and 35 spaces for the business units (1 space per 30 sq. metres). There is some car parking space available at the Vicarage Road Car Park, and the area surrounding the site is controlled with pay and display. Discussions with the Highways Engineer indicate that parking is not an issue in this area, principally because the commercial parking could be accommodated in the surrounding area.

27. Amenity Space – There is no provision of amenity space for the development. However, some “Juliet balconies” are provided and there is the recreation ground opposite. It may be considered, therefore, that on-site provision is not necessary in this case.

## **CONCLUSIONS**

28. It may be considered that the proposals offer an appropriate opportunity to upgrade the appearance of the existing building, and provide residential accommodation in accordance with current adopted policies.

29. It is submitted that the development is appropriate having regard to all material considerations.

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

30. Borough of Luton Local Plan 1997

31. Luton Local Plan 2001 – 2011 Second Deposit Draft

32. Application File No. 04/01869/FUL