

## **DEVELOPMENT CONTROL COMMITTEE**

**31<sup>st</sup> January, 2007 at 6.00 p.m.**

**PRESENT:** Councillor Hoyle (Chair); Councillors Bashir, Dolling, Farooq, Johnston, Skepelhorn, Stewart and Yasin.

### **10 APOLOGIES FOR ABSENCE (REF: 1)**

Apologies for absence from the meeting were received on behalf of Councillors Boyle and Franks.

### **11 MINUTES (REF: 2.1)**

**Resolved:** That the Minutes of the meeting of the Committee held on 10<sup>th</sup> January, 2007 be taken as read, approved as a correct record and signed by the Chair.

### **12 NO. 76 STRATFORD ROAD (REF: 8.1)**

The Development Control Manager reported that following the receipt of a complaint in August 2006, an inspection of the site had confirmed the unauthorised erection of a single storey rear infill extension at No. 76 Stratford Road.

The Development Control Manager further reported that two letters had been sent to the occupier of No. 76 Stratford Road advising that planning permission was required, to date no response had been received from the occupier.

**Resolved:** That the Head of Legal Services be instructed to issue an appropriate Enforcement Notice pursuant to Section 172 of the Town and Country Planning Act 1990 in order to secure the demolition of the recently erected single storey rear infill extension and removal of the associated rubble/waste building materials from the site within a period of 56 days from the date on which the Notice takes effect.

### **13 NO. 79 LEICESTER ROAD (REF: 8.2)**

The Development Control Manager reported on Application No. 06/01595/FUL submitted by Presentation Housing Association for planning permission in respect of the residential development to provide new private and affordable residential units (69 in number) at No. 79 Leicester Road.

The Development Control Manager circulated the Applicant's and Housing Enabling Officer's written responses to the Council's request for Section 106 undertakings regarding Education and Highways contributions.

He also reported on 3 letters objecting to the proposal which had been received.

**Resolved:** That Application No. 06/01595/FUL be Deferred to enable the Committee to review the outcome of negotiations on the Section 106 undertakings regarding Education and Highways contributions.

**14 NO. 107 CUTENHOE ROAD (REF: 8.3)**

The Development Control Manager referred to Planning Permission No. 04/00348/FUL dated 18<sup>th</sup> May 2004 in respect of a first floor side and single-storey rear extension with a pitched roof at No. 107 Cutenhoe Road. He reported that following a complaint an inspection of the site had confirmed that the roof of the single-storey rear extension had not been constructed in accordance with the approved plans in that an unfenced balcony area, with French door access had been incorporated into the roof.

The Development Control Manager advised that despite attempts to resolve the issue by negotiation and although assurance had been given in October 2006 that the works would be amended to comply with the approved plans, no attempt had, to date, been made to rectify the unauthorised works at No. 107 Cutenhoe Road.

**Resolved:** That the Head of Legal Services be instructed to issue an appropriate Enforcement Notice pursuant to Section 172 of the Town and Country Planning Act 1990 in order to secure compliance with planning decision notice reference 04/00348/FUL dated 18<sup>th</sup> May 2004 at No. 107 Cutenhoe Road within a period of 3 months from the date on which the Notice takes effect.

**15 NOS. 20/20A NORTH STREET AND 61-67 DUDLEY STREET (REF: 8.4)**

The Development Control Manager reported on Application No. 06/01566/FUL submitted by GPS Properties Ltd for planning permission in respect of the erection of 3/5 storey building comprising 52 one bedroom and two bedroom apartments at Nos. 20/20A North Street and 61-67 Dudley Street.

He further reported on 4 letters objecting to the proposal which had been received.

**Resolved:** That subject to the applicants entering into a satisfactory unilateral undertaking to make a financial contribution of £11,513 to fund the provision of new primary school places in the area, to meet the educational needs of the children who will be resident in the development Application No. 06/01566/FUL be Approved subject to compliance with the following conditions:

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

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

- (02) 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 ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policy(ies) LP1 and ENV10 of the Luton Local Plan.)
- (03) The development hereby permitted shall not be carried out other than in complete accordance with the approved plans and specifications. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policy(ies) LP1 and ENV9 of the Luton Local Plan.)
- (04) A management plan, including management responsibilities and maintenance schedules, for all shared/common areas of the development, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development for its permitted use. The management plan shall be carried out as approved. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policy(ies) LP1 and ENV9 of the Luton Local Plan.)
- (05) Before the development hereby permitted is commenced, a detailed site investigation shall be carried out to establish whether the site is contaminated, to assess the degree and nature of any contamination present, and to determine its potential for the pollution of the water environment and risk to other receptors. The method and extent of the investigation shall be agreed with the Local Planning Authority in consultation with the Environment Agency prior to the commencement of

work. A method statement setting out the proposed means of dealing with any contamination present on the site, including measures to prevent pollution of groundwater and surface water, shall then be submitted to and approved by the Local Planning Authority in consultation with the Environment Agency before the development commences. The development shall then proceed in strict accordance with the measures approved. (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) LP1 and ENV16 of the 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) ENV14 and ENV15 of the Luton Local Plan.)
- (07) Surface water drainage from the site shall not be discharged to soakaways. (Reason: To prevent pollution of the water environment. To accord with the objectives of Policy(ies) ENV14 and ENV15 of the Luton Local Plan.)
- (08) The development approved by this permission shall not be commenced unless the method for piling foundations has been submitted to and approved in writing by the Local Planning Authority. The piling shall thereafter be undertaken only in accordance with the approved details. (Reason: The site is contaminated/potentially contaminated and piling could lead to the contamination of groundwater in the underlying aquifer. To accord with Policies ENV14 and ENV15 of the Luton Local Plan.)
- (09) Samples of the materials to be used in the construction of the external elevations of the 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) LP1 and ENV9 of the Luton Local Plan.)
- (10) Before the development hereby approved is commenced, a scheme shall be submitted to and approved by the local Planning Authority for protecting the living rooms and bedrooms, balconies and amenity areas, from externally generated noise. All works, which form part of the approved scheme, shall be fully

completed before any of the flats are occupied. For the avoidance of doubt, the day time levels for living rooms and bedrooms shall not exceed 40dB LAeq (07:00 – 23:00) and the night time levels 30dB LAeq (23:00- 07:00). The night time noise levels shall also not exceed 45dB LAmax. The day and night time levels for balconies and amenity areas shall not exceed 50dB LAeqT with a 55dB LAeqT upper limit. If compliance with the above requires windows to be kept closed, a scheme will have to be considered for mechanical ventilation taking into account the self-noise of any proposed system. (Reason: To protect the amenities of the future residents of the accommodation hereby approved. To accord with the objectives of Policy(ies) LP1 and H2 of the Luton Local Plan.)

- (11) Prior to the occupation of the flats, a scheme to provide external lighting and site security shall be installed in accordance with details to be submitted and approved by the local Planning Authority beforehand. The scheme thereby approved shall be retained and maintained thereafter for so long as the development remains in existence. (Reason: To enable the Local Planning Authority to exercise proper control over the development proposed, in the interests of securing a satisfactory standard of work and of safeguarding the amenities of the surrounding area. To accord with the objectives of Policy(ies) LP1 and ENV9 of the Luton Local Plan.)
- (12) Details shall be submitted to and approved by the Local Planning Authority of a scheme for renewable power generation equipment to provide at least 10% of the predicted energy requirements of the building, unless it can be demonstrated that there are overwhelming practical reasons why this is not appropriate. The scheme thereby approved shall be retained and maintained thereafter for so long as the development remains in existence. (Reason: To accord with Policies LP1, ENV9 and U3 of the Luton Local Plan.)
- (13) Before any work is commenced on site full details shall be submitted to and approved by the Local Planning Authority for safeguarding an existing hedgerow along the north eastern boundary of the site. The safeguarding measures thereby approved shall be implemented prior to the commencement of any demolition works or building operations and retained in position until the development is completed. (Reason: To protect an existing hedgerow in the vicinity of the development hereby approved and to accord with Policies LP1 and ENV10 of the Luton Local Plan.)
- (14) Before the development hereby approved is commenced a scheme for the provision of affordable housing as part of the development shall be submitted to and approved in writing by

the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:-

- (i) The numbers, type and location of the units of the affordable housing provision to be made.
- (ii) The timing and construction of the affordable housing.
- (iii) The arrangements to ensure that such provision are affordable for both initial and subsequent occupiers of the affordable housing.
- (iv) The occupancy criteria to be used for determining the identity of the prospective and successive occupiers of the affordable housing.
- (v) The means by which the scheme will be enforced, including any necessary legal agreement, if appropriate.

Affordable housing provided in accordance with this condition shall be in the “social rented” sector to meet identified local housing needs unless the developer is able to demonstrate to the satisfaction of the Local Planning Authority that social rented accommodation is not appropriate to the site, in which case the affordable housing shall be provided as a combination of low cost housing and shared ownership or, as a last resort, in the form of a commuted payment to enable provision to be off-site. (Reason: To ensure that provision is made for affordable housing in accordance with Policies H5 and H6 of the Luton Local Plan.)

- (15) The area to be used for car parking in connection with the development hereby permitted shall not be used for any purpose other than for the parking of visitors' cars and the standing of vehicles while servicing the premises and shall be ready for use prior to the occupation of the building(s) comprised in the development hereby permitted. (Reason: To ensure that adequate provision is made for vehicles to park clear of the highway in the interest of road safety. To accord with the objectives of Policies LP1, H2 and T3 of the Luton Local Plan.)

## **16 TELECOMMUNICATIONS INSTALLATION – STOCKINGSTONE ROAD/NEW BEDFORD ROAD ROUNDABOUT (REF: 8.5)**

The Development Control Manager reported on Application No. 07/00017/TEL submitted by T-Mobile (UK) Limited for Prior Approval Determination under Part 24 (Development by Telecommunications Code Systems Operators) of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 in respect of the proposed installation of a 11.7 metre high monopole mast incorporating 1 tri-sector antenna, radio equipment housing and ancillary development on highway land on the north-east leg of the Stockingstone Road/New Bedford Road roundabout.

He further reported on 1 electronically submitted objection to the proposal which had been received.

**Resolved:** That the Development Control Manager be instructed to

(i) Advise T-Mobile (UK) Limited that this Council does not wish to influence the siting and appearance of the proposed installation and that the development may, therefore, proceed without further reference to the Council and

(ii) Write to the Department of Communities and Local Government informing them that this Council objects most strongly to the Prior Approval Determination procedure and considers that this is an inappropriate way to deal with matters which are of such concern to the community and that planning permission should be required for any such installations.

**(Note: The meeting ended at 6.58 p.m.)**