

DEVELOPMENT CONTROL COMMITTEE
WEDNESDAY 23RD FEBRUARY 2005
RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER
FOR APPROVAL OF PLANNING PERMISSION

APPLICATION NO 04/01399/FUL
PROPOSAL : Alteration to existing rear extension and erection of first and second floor rear extensions to provide one no. 2 bedroom and one no. 1 bedroom flats and external staircase. (Amended Plans)
LOCATION : 130 Dunstable Road Luton
APPLICANT : Mr K. Hussain
POLICY/ALLOCATION: SHOP, BP1, H7, H8, E1, E8,
WARDS AFFECTED: BISCOT

CONDITIONS :

- 1 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.
- 2 The development hereby permitted shall not be carried out other than in complete accordance with the approved plans and specifications.
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) BP1, H7, H8, E1 and E8 of the Borough of Luton Local Plan.
- 3 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, H7, H8, E1 and E8 of the Borough of Luton Local Plan.
- 4 Before the development hereby permitted is commenced, detailed plans and elevations of the proposed refuse store shall be submitted to and approved in writing by the Local Planning Authority.
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, H7, H8, E1 and E8 of the Borough of Luton Local Plan.
- 5 Full details of the proposed boundary treatment of the site shall be submitted to and approved by the Local Planning Authority before the development is commenced and the approved treatment shall be installed before the building(s) hereby permitted is/are occupied.

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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, H7, H8, E1 and E8 of the Borough of Luton Local Plan.

- 6 The first and second floor windows on the side elevation of the extension hereby permitted shall have obscured glass in the lower half of each casement, which shall be retained at all times.

Reason: To protect the amenities of neighbouring properties. To accord with the objectives of Policy(ies) BP1, H7, H8, E1 and E8 of the Borough of Luton Local Plan.

- 7 Full details of the materials to be used in the construction of the external surfaces of the extension 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, H7, H8, E1 and E8 of the Borough of Luton Local Plan.

- 8 Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 or of the Town and Country Planning (General Development) Order, 1995, (or any Order revoking and re-enacting that Order with or without modification) no additional window openings shall be fitted in the side elevation(s) of the building(s) without the prior permission of the Local Planning Authority.

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, H7, H8, E1 and E8 of the Borough of Luton Local Plan.

- 9 Before the extended and converted building is used for any purpose it shall be insulated against internally generated noise in accordance with a scheme to be approved by the Local Planning Authority before any development is commenced.

Reason: To protect the amenities both of neighbouring properties and also of the future residents of the residential accommodation hereby approved. To accord with the objectives of Policy(ies) H7 and E1 of the Borough of Luton Local Plan.

- 10 A management plan, including management responsibilities and maintenance schedules, for all external 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 protect the amenities both of neighbouring properties and also of the future residents of the residential accommodation hereby approved. To accord with the objectives of Policy(ies) H7 and E1 of the Borough of Luton Local Plan.

APPLICATION NO 04/01511/DEMCON
PROPOSAL : Demolition of buildings.
LOCATION : 37-47 Cheapside Luton
APPLICANT : G.P.S. Properties Ltd
POLICY/ALLOCATION: BP1, E1, E6, E7, TC2, TC5,
WARDS AFFECTED: SOUTH
CONSERVATION AREA
PLAITERS LEA AREA NO.3

CONDITIONS :

- 1 The demolition works hereby consented to shall be begun not later than the expiration of 3 years beginning with the date of this consent.
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 encourage the early commencement of development on the site.
 - 2 The demolition hereby consented to shall not be carried out before a contract for the carrying out of works of redevelopment of the site has been made and planning permission has been granted for the redevelopment for which the contract provides. Evidence of the existence of such a contract shall be submitted to and acknowledged by the Local Planning Authority prior to the commencement of any demolition work.
Reason: To enable the Local Planning Authority to exercise proper control over development within a designated Conservation Area. To accord with the objectives of Policy(ies) BP1, E1, E6, E7, TC2 and TC5 of the Borough of Luton Local Plan.
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APPLICATION NO 04/01822/REM
PROPOSAL : Erection of 135 no. 1, 2 and 3 bedroom flats in a 3 storey and one 3, 4 and 5 storey block with undercroft parking and ancillary works - Approval of Reserved Matters and Discharge of Conditions 2 and 3 of outline permission 02/01268/OUT (23 March 2004).
LOCATION : Development Site, Whole South Side Holly Street
APPLICANT : Woods Hardwick Ltd
POLICY/ALLOCATION: BP1, E1, H1, H2,
WARDS AFFECTED: SOUTH

CONDITIONS :

- 1 Conditions 02 and 03 of Permission 02/01268/OUT dated 23rd March 2004 are hereby discharged.

APPLICATION NO	04/01751/FUL
PROPOSAL :	Demolition of 566 Dunstable Road and erection of a two storey building comprising 6 no. 2 bedroom flats and conversion of 568 Dunstable Road to 6 no. 2 bedroom flats.
LOCATION :	566-568 Dunstable Road Luton
APPLICANT :	Ms P. Shah
POLICY/ALLOCATION:	HOU, BP1, E1, H1, H7, T7,
WARDS AFFECTED:	CHALLNEY

CONDITIONS :

- 1 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.
- 2 The scheme shall make provision for dustbin/enclosed refuse collection area(s) to be sited at a distance of not more than 25 metre(s) 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.
- 3 Full details of the proposed boundary treatment of the site shall be submitted to and approved by the Local Planning Authority before the development is commenced and the approved treatment shall be installed before the building(s) hereby permitted is/are occupied.
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.
- 4 Before the converted building is used for any purpose it shall be insulated against internally generated noise in accordance with a scheme to be approved by the Local Planning Authority before any development is commenced.
Reason: To protect the amenities both of neighbouring properties and also of the future residents of the residential accommodation hereby approved. To accord with the objectives of Policy(ies) BP1, E1, H1 and H7 of the Borough of Luton Local Plan.
- 5 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) BP1, E1, E8 and H1 of the Borough of Luton Local Plan.
- 6 A management plan, including management responsibilities and maintenance schedules, for all external 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.

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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 and H1 of the Borough of Luton Local Plan.

- 7 Before the development hereby permitted is commenced full details shall be submitted to and approved by the Local Planning Authority showing a parking area for residents' and visitors' vehicles, which parking area shall be constructed in accordance with the approved details before the use is commenced.

Reason: To ensure that adequate provision is made for vehicles to park clear of the highway in the interest of road safety. To accord with the objectives of Policy(ies) BP1, E1, H1 and T7 of the Borough of Luton Local Plan.

- 8 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 residents and visitors' and the standing of vehicles while servicing the premises and shall be ready for use prior to the occupation of the building(s) comprised in the development hereby permitted.

Reason: To ensure that adequate provision is made for vehicles to park clear of the highway in the interest of road safety. To accord with the objectives of Policy(ies) E1, H1 and T7 of the Borough of Luton Local Plan.

- 9 Details of the surfacing and drainage of any parking service area(s) hereby approved shall be submitted to and approved by the Local Planning Authority before the development hereby permitted is commenced. The details thereby approved shall be installed prior to the occupation of any building on the site.

Reason: To ensure that adequate provision is made for vehicles to park clear of the highway in the interest of road safety. To accord with the objectives of Policy(ies) BP1, E1, H1 and T7 of the Borough of Luton Local Plan.

- 10 Full details of the materials to be used in the construction of the walls, roofing and fenestration of the of the proposed development shall be submitted to and approved by the Local Planning Authority before the development is commenced.

Reason: In the interests of visual amenity. To accord with the objectives of Policy(ies) BP1, E1 and H1 of the Borough of Luton Local Plan.

- 11 The garden/amenity space approved as part of the development hereby permitted shall be available for use prior to the occupation of any flat or dwelling and shall be accessible to the occupants of all dwelling units in the scheme.

To ensure a satisfactory standard of development in the interests of safeguarding the amenities of future residents of the accommodation hereby approved. To accord with the objectives of Policies BP1, E1, H1 and H7 of the Borough of Luton Local Plan.

APPLICATION NO 04/01695/COU
PROPOSAL : Change of use from office to 73 bedroom hotel
LOCATION : Midland House 41 King Street
APPLICANT : Luminar Leisure Ltd
POLICY/ALLOCATION: BP1, E1, E8, LC2, LC4, T7,
WARDS AFFECTED: SOUTH
CONSERVATION AREA
CENTRAL AREA NO.1

CONDITIONS :

- 1 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.
- 2 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) BP1, E1, E8, LC2, LC4 and T7 of the Borough of Luton Local Plan.
- 3 Full details of the materials to be used in the construction of the windows 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) BP1, E1, E8, LC2, LC4 and T7 of the Borough of Luton Local Plan.
- 4 Full details of any external plant to be affixed to the building, including siting design, means of construction and noise emission details, 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 and E8 of the Borough of Luton Local Plan.

APPLICATION NO 05/00026/REG3
PROPOSAL : Erection of a 5 bedroom detached dwellinghouse to be used as children's home.
LOCATION : Vacant Land Adjacent 218 Butely Road
APPLICANT : Housing & Social Services
POLICY/ALLOCATION: HOU, BP1, E1, H1, H2, H3,
WARDS AFFECTED: LEAGRAVE

CONDITIONS :

- 1 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.
- 2 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) BP1, E1 and H1 of the Borough of Luton Local Plan.

- 3 Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 and the provisions of the Town and Country (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification) the garage facility hereby permitted shall be retained for the parking of a motor vehicle at all times.

Reason: To ensure that adequate provision is made for vehicles to park clear of the highway in the interest of road safety. To accord with the objectives of Policy(ies) T1 of the Borough of Luton Local Plan.

- 4 Full details of the materials to be used in the construction of the walls and roof of the building shall be submitted to and approved by the Local Planning Authority before the development is commenced.

Reason: In the interests of visual amenity. To accord with the objectives of Policy(ies) H1 and E1 of the Borough of Luton Local Plan.

- 5 The parking area for the dwelling, as identified on the approved plan, shall be laid out and ready for use prior to the occupation of the development hereby permitted.

Reason: To ensure that adequate provision is made for vehicles to park clear of the highway in the interest of road safety. To accord with the objectives of Policy(ies) BP1, E1, H2 and T7 of the Borough of Luton Local Plan.

- 6 Full details of the proposed boundary treatment of the site shall be submitted to and approved by the Local Planning Authority before the development is commenced and the approved treatment shall be installed before the building(s) hereby permitted is/are occupied.

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 and H1 of the Borough of Luton Local Plan.

- 7 The first floor window(s) in the south and north flank elevation(s) of the development shall be fitted with obscure glazing at all times.

Reason: To protect the amenities of neighbouring properties. To accord with the objectives of Policy(ies) BP1 and H1 of the Borough of Luton Local Plan.

- 8 Before the development is commenced, a flood risk assessment shall be submitted to and approved by the Local Planning Authority in consultation with the Environment Agency.

Reason: To prevent the increased risk of flooding and to prevent pollution of the water environment. To accord with the objectives of Policy(ies) BP1, E1 and E10 of the Borough of Luton Local Plan.

APPLICATION NO 05/00042/REG3
PROPOSAL : Erection of a 5 bedroom detached dwellinghouse for use as children's home.
LOCATION : Garage Court Rear Of 26-32 St Kilda Road
APPLICANT : Housing & Social Services
POLICY/ALLOCATION: HOU, BP1, E1, H1, H2, H3,
WARDS AFFECTED: LEWSEY

CONDITIONS :

- 1 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.
- 2 Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 and the provisions of the Town and Country (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification) the garage facility hereby permitted shall be retained for the parking of a motor vehicle at all times.
Reason: To ensure that adequate provision is made for vehicles to park clear of the highway in the interest of road safety. To accord with the objectives of Policy(ies) T1 of the Borough of Luton Local Plan.
- 3 Full details of the materials to be used in the construction of the walls and roof of the building shall be submitted to and approved by the Local Planning Authority before the development is commenced.
Reason: In the interests of visual amenity. To accord with the objectives of Policy(ies) H1 and E1 of the Borough of Luton Local Plan.
- 4 The parking area for the dwelling, as identified on the approved plan, shall be laid out and ready for use prior to the occupation of the development hereby permitted.
Reason: To ensure that adequate provision is made for vehicles to park clear of the highway in the interest of road safety. To accord with the objectives of Policy(ies) BP1, E1, H2 and T7 of the Borough of Luton Local Plan.
- 5 Full details of the proposed boundary treatment of the site shall be submitted to and approved by the Local Planning Authority before the development is commenced and the approved treatment shall be installed before the building(s) hereby permitted is/are occupied.
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 and H1 of the Borough of Luton Local Plan.
- 6 The first floor window(s) in the south and east flank elevation(s) of the development shall be fitted with obscure glazing at all times.
Reason: To protect the amenities of neighbouring properties. To accord with the objectives of Policy(ies) BP1 and H1 of the Borough of Luton Local Plan.

DEVELOPMENT CONTROL COMMITTEE
WEDNESDAY 23RD FEBRUARY 2005
RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER
FOR REFUSAL OF PLANNING PERMISSION

APPLICATION NO	04/01539/REG3
PROPOSAL :	Change of Use of premises from shop (A1) to restaurant / takeaway (A3).
LOCATION :	13 St Dominics Square Luton
APPLICANT :	CAMD For LBC
POLICY/ALLOCATION:	S1,
WARDS AFFECTED:	LEWSEY

REASONS FOR REFUSAL :

- 1 The proposed development would injuriously affect the amenities of the adjoining properties by reason of the generation of odours from cooking, which could not be satisfactorily ameliorated by a fume extraction system due to the physical constraints of the site. The proposal would thereby be contrary to Policy(ies) BP1 and E1 of the Borough of Luton Local Plan.
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APPLICATION NO	04/01107/FUL
PROPOSAL :	Erection of a 4 Storey building comprising of 4 x studio flats, 10 x 1-bedroom flats, 5 x 2-bedroom flats and A3 use at basement and ground floor levels.
LOCATION :	35 Guildford Street Luton
APPLICANT :	Mr Kevin Quinn
POLICY/ALLOCATION:	E1, E10, H1, E8, H2, BP1,
WARDS AFFECTED:	SOUTH CONSERVATION AREA PLAITERS LEA AREA NO.3

REASONS FOR REFUSAL :

- 1 The proposed development is within the required 5 metre wide strip of land adjacent to the River Lea culvert. It is therefore contrary to Policy E10 of the Borough of Luton Local Plan.
- 2 The proposal would be contrary to the Council's approved policies relating to the construction of new flats insofar as a poor provision is made for amenity space in accordance with the minimum standards set down in Policy(ies) BP1, E1 and H1 of the Borough of Luton Local Plan.
- 3 The proposed frontage by reason of its design would be detrimental to the character and visual amenity of the Plaiters Lea Conservation Area and would set an undesirable precedent for further proposals of a similar nature. The proposal would thereby be contrary to Policies BP1, E1, E8 and H2 of the Borough of Luton Local Plan.

APPLICATION NO 04/01783/REM
PROPOSAL : Erection of a four storey office building, 4 storey part underground car park and one storey parking deck (Scheme B) (Resubmission)
LOCATION : Plot 600-710 Capability Green
APPLICANT : Astazeneca UK Ltd
POLICY/ALLOCATION: IND, BP1, E1, E8,
WARDS AFFECTED: SOUTH

REASONS FOR REFUSAL :

- 1 The proposed development by reason of its size, massing bulk and size would be unduly prominent and visually intrusive when viewed from the surrounding property and the surrounding area. As a consequence this would lead to a loss of visual amenity in the locality to the detriment of the character of the surrounding area, and would set an undesirable precedent for further proposals of a similar nature. The proposals would thereby be contrary to Policies BP1, E1, and E8 of the Borough of Luton Local Plan.

APPLICATION NO 04/01693/COU
PROPOSAL : Change of Use of premises from offices to 17 no. one bedroom and 14 no. 2 bedroom flats with offices at part of ground floor.
LOCATION : Midland House 41 King Street
APPLICANT : Luminar Leisure Ltd
POLICY/ALLOCATION: IND, BP1, E1, EMP1, EMP2, H1, H7, T7, TC4,
WARDS AFFECTED: SOUTH
CONSERVATION AREA
CENTRAL AREA NO.1

REASONS FOR REFUSAL :

- 1 The proposal is contrary to the Borough of Luton Local Plan in which the land is shown employment area and to which Policy(ies) EMP1 and EMP2 of that Plan applies.
- 2 The proposal would be contrary to the Council's approved policy relating to the conversion of existing properties to flats insofar as inadequate provision is made for amenity space in accordance with the minimum standards set down in Policy(ies) BP1, E1, H1 and H7. The proposal would thereby be contrary to Policy(ies) BP1, E1, H1 and H7 of the Borough of Luton Local Plan.

APPLICATION NO	04/01840/FUL
PROPOSAL :	Demolition of building and erection of a 4/5 storey building comprising retail space and 22 no. one bedroom flats.
LOCATION :	42-44 Park Street Luton
APPLICANT :	Hartbourne Holdings Ltd
POLICY/ALLOCATION:	SHOP, E1, E6, E8,
WARDS AFFECTED:	SOUTH

REASONS FOR REFUSAL :

- 1 The proposed development would be out of scale and character with the existing buildings in the street block which include 2 listed buildings and would detract from its/their appearance, which would thereby be detrimental to the visual amenities of the streetscene. The proposal would thereby be contrary to Policy(ies) E1, E6 and E8 of the Borough of Luton Local Plan.

1. Garage Court Rear Of 26-32 St Kilda Road
Erection of a 5 bedroom detached dwellinghouse for use as children's home.
05/00042/REG3 Housing & Social Services

2. Vacant Land Adjacent 218 Butely Road
Erection of a 5 bedroom detached dwellinghouse to be used as children's home.
05/00026/REG3 Housing & Social Services

3. 2 Mountfield Path
Erection of a two storey side extension and detached garage.
04/00411/UBC