

**COMMITTEE: DEVELOPMENT CONTROL**

**DATE: 30 JANUARY 2008**

**SUBJECT: 9-15 OXFORD ROAD  
REDEVELOPMENT OF EXISTING SITE TO PROVIDE  
6 ONE BEDROOM FLATS, 6 TWO BEDROOM FLATS  
AND ANCILLARY OFFICES.  
(APPLICANT: MR R SAUNDERS)  
(APPLICATION NO: 07/00711/FUL)**

**REPORT BY: DEVELOPMENT CONTROL MANAGER**

**CONTACT BEN HUSKINSON 546317  
OFFICER:**

**IMPLICATIONS:**

<b>LEGAL</b>	<b>COMMUNITY SAFETY</b>
<b>EQUALITIES</b>	<b>ENVIRONMENT</b>
<b>FINANCIAL</b>	<b>CONSULTATIONS</b>
<b>STAFFING</b>	<b>OTHER</b>

**WARDS AFFECTED: SOUTH**

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**PURPOSE**

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

**RECOMMENDATION(S)**

2. That planning permission is granted subject to the applicant entering into a unilateral undertaking to make a financial contribution of £28,438 towards the costs of funding new school places made necessary by the implementation of the development, and subject to 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) 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) LP1, H2 and ENV9 of the Luton Local Plan.***

- (06) Full details of the materials to be used in the construction of the roof and 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.*

- (07) Prior to the commencement of the development, a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. The scheme shall include all of the following elements unless specifically excluded, in writing by the Local Planning Authority.

- (i) A desk study identifying:-

- All previous uses
- Potential contaminants associated with those uses.
- A conceptual model of the site indicating sources, pathways and receptors.
- Potentially unacceptable risks arising from contamination of the site.

- (ii) A site investigation scheme based on (i) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.

- (iii) The results of the site investigations and risk assessment (ii) and a method based on those results giving full details of the remediation measures required and how they are to be undertaken.

- (iv) A verification report on the completion of the works set out in (iii) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

*Reason: The desk study indicated there is a potential for ground contamination and an intrusive investigation be carried out. To accord with Policies LP1 and ENV16 of the Luton Local Plan.*

- (08) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

***Reason: The desk study indicates there is potential for ground contamination and an intrusive investigation be carried out. To accord with Policies LP1 and ENV16 of the Luton Local Plan.***

- (09)** Piling or any other foundation designs using penetrative methods will not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant risk to groundwater.

***Reason: To prevent contamination. To accord with Policies LP1 and ENV16 of the Luton Local Plan.***

- (10)** No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

***Reason: To prevent contamination. To accord with Policies LP1 and ENV16 of the Luton Local Plan.***

- (11)** The internal design and building specifications of the proposed development shall be such that the daytime noise level within any residential unit with windows closed shall not exceed 40dBLAeq (0700-2300) and the night time noise level within any residential unit with windows closed shall not exceed 30dBLAeq (2300-0700). The night time LAmax shall not exceed 45db. Full details of noise insulation measures, including provision for powered acoustically attenuated ventilation, shall be submitted to and approved by the Local Planning Authority before any work is commenced. The approved insulation scheme shall be completed prior to the occupation of the development.

***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.***

- (12)** 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.

***Reason: To protect the amenities of the future residents of the accommodation hereby approved. To accord with the objectives of Policy(ies) LP1, H2 and ENV9 of the Luton Local Plan.***

- (13) The ground floor office units shall be used for office purposes within Use Class B1(a) of 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) and for no other purpose including any other purpose within Use Class B1 without the prior written permission of the Local Planning Authority.

***Reason: To protect the amenities of neighbouring properties. To accord with the objectives of Policy(ies) LP1 and EM4 of the Luton Local Plan.***

- (14) 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: In the interests of highway and pedestrian safety. To accord with the objectives of Policy(ies) LP1 and T3 of the Luton Local Plan.***

## **BACKGROUND**

3 The application relates to the redevelopment of a site at 9 – 15 Oxford Road

### **The Proposal**

4 The proposal is for the demolition of the existing buildings and the erection of a 4 storey building comprising 6 one bedroom flats and 6 two bedroom flats and two offices, and provision for 8 parking spaces.

## **REPORT**

### **The Site and Surroundings**

5 The application site is an area of flat land of some 0.059 hectares situated on the eastern side of Oxford Road currently occupied by Thrifty Car Hire and comprises a single storey building with a vehicle parking area to the front. To the north and west of the site is a Toyota car sales and repair work shop and, to the east, commercial buildings occupied by a clutch repair centre and a vehicle parts and storage business. A vehicle park is located on the south side. On the opposite side of Oxford Road is a cleared site on which planning permission has been granted for 72 residential dwellings in a 6 to 8 storey block.

### **Relevant Planning History**

6 Early history relates to a permission granted in 1979 for the demolition of existing buildings and extension to retail warehouse and creation of an office unit. In 2000,

permission was given for a change of use from a cash and carry warehouse to a car hire business with ancillary storage, valetting and office accommodation.

### Planning Policy

7 The site is within an area where there is no specific land use allocation. The relevant policies and their assessment are dealt with in 'Main Planning Considerations'.

### Consultation Responses

8 Highway Development Manager: No major highway implications are anticipated. The normal visibility splays will be required and the construction of the proposed new vehicular crossover/access will be subject to the approval of the Highway Authority.

9 Thames Water: No objections with regard to sewage infrastructure.

10 Lifelong Learning: A financial payment of £28,438 is required towards the costs of providing educational facilities made necessary on implementation of the development. The primary schools in the town centre are suffering the most pressure on school places. The catchment area secondary school is Barnfield South Academy, and the funding will be used for the expansion of places in these schools.

11 Environmental Protection: A scheme for protecting rooms from externally generated noise should be submitted for approval. From a noise perspective, it is not best practice to put bedrooms next to kitchens, living rooms or bathrooms in adjacent properties, or put bedrooms next to stairwells, entrance halls or lift shafts.

12 Environment Agency: No objections in principle to the proposal subject to the imposition of 4 Conditions.

13 Architectural Liaison Officer: No comments received.

14 Three Valleys Water: The site is located within an Environment Agency defined Groundwater Protection Zone.

15 Waste Management: No response received.

16 Statutory Publicity: A site notice was displayed and the application advertised in the local newspaper. 51 local occupiers were notified of the application and no representations have been received.

## **MAIN PLANNING CONSIDERATIONS**

### Policy Implications

17 The Policies that are relevant to the proposal are LP1, ENV9, EM4, H2, T1, T13, and IMP1.

18 LP1 requires proposals to improve the quality of life of residents and not conflict with other policies or objectives of the Luton Local Plan.

19 ENV9(C) expects proposals to respect the scale and proportion of existing buildings.

20 EM4 will permit development outside key employment areas for industry, offices and warehousing as defined in Use Classes B1 to B8 provided it will not have an unacceptable effect upon the amenity of neighbouring use.

21 H2 identifies sites on which planning permission will be granted for housing. The application site is not one of these but Section B of the policy supports the grant of planning permission on other sites providing, amongst other things, that it is previously developed land and there would be no unacceptable effect on the environment.

22 T1 relates to the implementation of a transport strategy and states that planning permission will be granted for development that reduces the need to travel, particularly by private car, and enables the use of sustainable transport.

23 T13 deals with parking and developments will only be permitted where the proposed parking provision is necessary and does not exceed the maximum standard set out in Appendix 4 to the Local Plan. These two policies are assessed in 'Parking'.

24 IMP1 states that in granting planning permission, the Borough Council will, in appropriate circumstances, seek to enter into a legal agreement to secure:-

- (A) the provision, or the financial cost, of facilities made necessary by the implementation of the development; and
- (B) an appropriate level of provision, or contribution towards facilities for which there is either:
  - (i) a recognised need in the Borough; or
  - (ii) a recognised deficit in the locality

25 Lifelong Learning would be seeking financial contribution of £28,438 towards the costs of the educational facilities made necessary on the implementation of the development.

26 Any grant of planning permission is therefore subject to the applicant entering into a satisfactory unilateral undertaking to make a financial contribution towards these costs.

### Street Scene Impact

27 The proposal is a four-storey building of contemporary style comprising two office units on the ground floor with flatted accommodation above. Each flat has a balcony and the scheme includes a roof garden. A gated archway provides access to a parking area at the rear of the building. The structure will be built in a facing brick with contrasting string courses and the ground floor brickwork will be set in 3 course projecting layers to form a rustication effect. The roof garden will be enclosed by a 1.45 metre parapet with green tinted inset glass panels. The balconies and windows and doors to the offices will be a sage colour with the windows to the flats white. Condition 6 requires the submission of details of the materials to be submitted for approval.

28 To the west, on the opposite side of Oxford Road to the development site, construction is to start shortly on a 7/8 storey block of flats and to the north of this fronting Park Viaduct permission has been granted for an 8 storey hotel building. To the north and east are workshops and showrooms of a Toyota dealership and commercial buildings. Further to the east between Latimer Road and Albert Road and fronting Park Viaduct permission has been granted for a development of 263 flats in buildings from 4 to 9 storeys high. It is therefore considered that the proposed building would not be out of character with the scale of existing and proposed development in the area and would maintain a harmonious street scene. The development would therefore comply with Policy ENV9 of the Luton Local Plan.

#### Impact on Adjoining Occupiers

29 To the north and east of the application site is commercial development and to the south a car park. On the opposite side of Oxford Road is a proposed 7/8 storey residential development. It is considered that the proposal would not have a significant impact on the amenities of these properties, or on the proposed development.

#### Parking

30 The adopted parking standards for the scheme require a maximum provision of 17 spaces. 10 spaces are provided together with a secure bicycle store. The site is within walking distance of the town centre where services or facilities are readily available. The site is therefore in a sustainable location and it is considered that this is sufficient to override any objection to the proposal on parking grounds. This would accord with government advice given in PPS3, and PPG 13: Transport, makes it clear that, other than in exceptional circumstances, the developer should not be made to provide more car parking spaces than they wish. In addition, Policy T1 sets out a Local Transport Strategy and states that planning permission will be granted for development provided that it reduces the need to travel, particularly by private motor car, and enables the use of sustainable transport.

#### Amenity Space

31 To comply with the adopted standards, 180 sq. metres of private outside amenity space is required for the proposed flats. A roof garden provides an area of 156 sq metres and this is supplemented by a balcony to each flat so that the scheme complies with the adopted standards.

### **CONCLUSIONS**

32 The redevelopment of the site for a mixed residential/commercial use would not have an adverse impact on the street scene or the amenities of the neighbouring properties, and accords with the relevant policies in the Luton Local Plan. Development Control Committee is therefore recommended to grant planning permission.



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

33 Luton Local Plan 2001 - 2011

34 File No 07/00711/FUL