

DEVELOPMENT CONTROL COMMITTEE

29th October, 2003 at 6.00 p.m.

PRESENT: Councillor Hoyle (Chair); Councillors Boyle, Farooq, Franks, A. Hussain, Johnston and Stewart.

155 APOLOGIES FOR ABSENCE (REF: 1)

Apologies for absence from the meeting were received on behalf of Councillors Dolling, Riaz and Skepelhorn.

156 MINUTES (REF: 2.1)

Resolved: That the Minutes of the meeting of the Committee held on 8th October, 2003 be taken as read, approved as a correct record and signed by the Chair.

157 CRODA COLLOIDS SITE- NOS. 149-153 NEW BEDFORD ROAD (REF: 7.2)

The Development Control Manager reported on Application No. 03/01093/FUL submitted by Redrow Homes (South Midlands) Limited in respect of planning permission for the erection of 6 three-bedroom, 17 two-bedroom and 5 four-bedroom dwelling houses with associated access and car parking on the former Croda Colliods site, Nos. 149-153 New Bedford Road.

He further reported on 2 letters objecting to the proposals which had been received.

Resolved: (i) That subject to the receipt of additional plans Application No 03/01093/FUL be approved subject to compliance with 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. 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.)

- (03) 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 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.)
- (04) Details of the surfacing and drainage of any car parking area(s) provided in accordance with the requirements of this permission shall be submitted to and approved by the Local Planning Authority before the development hereby permitted is commenced. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.)
- (05) External lighting shall be provided along the access road in compliance with the minimum illumination levels of B.S. 5489 part 3.1. (Reason: In the interests of highway and pedestrian safety.)
- (06) Notwithstanding the submitted plans, triangular pedestrian safety visibility splays of 1.8 metres x 1.8 metres shall be provided on each side of the vehicle access points to the site. The splays shall be positioned within the site at right angles to the highway (measured at the highway/site boundary). The visibility splays 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)
- (07) There shall be no means of access from the development hereby permitted to Bath Road at any time. (Reason: To

ensure a satisfactory standard of development and the full integration of the site within the overall development of the former Croda Colloids site in the interests of creating a mixed and balanced community.)

- (08) No dwelling shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans. (Reason: In the interests of highway and pedestrian safety.)
- (09) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995, (or any Order revoking and re-enacting that Order with or without modification) no building, extension or other structure shall be erected, constructed or placed within the curtilage of any dwelling hereby permitted 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.)
- (10) A landscape management plan, including long term design objectives, 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 landscape 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.)
- (11) 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.)
- (12) Full details of the materials to be used in the construction of the external walls and roofs of the building(s) shall be submitted to and approved by the Local Planning Authority before the development is commenced. (Reason: To enhance the appearance of the proposed development).
- (13) The first floor window(s) in the flank elevation(s) of plots S25 and S26 of the development shall be fitted with obscure glazing at all times. (Reason: To protect the amenities of

neighbouring properties.)

- (14) 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 flank elevation(s) of the building(s) without the prior permission of the Local Planning Authority. (Reason: To protect the amenities of neighbouring properties.)
- (15) 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 ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area and to prevent the increased risk of flooding.)
- (16) Surface water source control measures shall be carried out in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority before development commences. (Reason: To prevent the increased risk of flooding and to improve water quality).
- (17) Before any work on site is commenced, full details shall be submitted to and approved by the Local Planning Authority for the safeguarding of the protected trees within the site. The safeguarding measures thereby approved shall be implemented prior to the commencement of any demolition works, removal of top soil or commencement of building operations and retained in a position until development is completed. The land so enclosed shall be kept clear of plant, building materials, machinery and other objects and the existing soil levels not altered. (Reason: To safeguard the existing trees, shrubs and /or hedges on site and to enable the Local Planning authority to exercise proper control over the maintenance of trees, subject to a Tree Preservation Order, in the interests of local amenity and the health of the tree(s) concerned.
- (18) A landscaped amenity strip at least 10 metres wide shall be provided along the Bath Road frontage of the site in accordance with a scheme to be submitted to and approved by the Local Planning Authority before the development

hereby permitted is commenced. For the avoidance of doubt, the scheme shall make provision for:-

- (a) tree plantings of minimum size 14 centimetres girth of a type appropriate to the species required to be provided as replacements for trees formerly protected by the tree preservation order relevant to the site and;
- (b) the provision of decorative painted finish metal railings to a minimum height of 2 metres along the immediate back edge of the public highway of Bath Road to span the length of the northern boundary of the site.

The scheme thereby approved shall be included in the scheme to be submitted in compliance with Condition (10) of this permission and shall be subject to the requirements of Condition (02) thereof. (Reason: To enhance the appearance of the proposed development and to enable the Local Planning Authority to ensure adequate safeguards are taken to secure the future health and vitality of the replacement of trees the subject of a Tree Preservation Order in the interests of local amenity.)

(ii) That the Development Control Manager be instructed to report back to the Committee when the boundary treatment details to the Bath Road frontage are submitted for approval.

158 NO. 2 MOUNTFIELD PATH (REF:7.3)

The Development Control Manager referred to Minute No. (38(i))/99 of Planning Visits Sub Committee at which planning permission was granted for the erection of a two-storey side extension and detached garage at No.2 Mountfield Path and reported that a complaint had been received in March 2001 regarding the state of the site. At that time work had recently commenced, and therefore Officers had continued to visit the site at regular intervals. Work had continued to progress slowly, and a recent visit had confirmed the untidy state of the site, which had extended over the right of way.

The Development Control Manager referred to a letter which had been received from residents requesting that the Council consider the use of powers under Sections 94 and 215 of the Town and Country Planning Act 1990, in order to require the completion of the building works and the tidying up of the site. He read the letter to Members and explained in detail why it was felt that the use of Sections 94 and 215 of the Town and Country Planning Act 1990 would not be appropriate in this particular case. He suggested that the use of the Mediation Service may help resolve the matters in question.

Resolved: That further consideration of this matter be deferred in order to allow Members of the Committee to visit the site.

159 KINGSWAY CENTRAL DEPOT (REF: 7.4)

The Development Control Manager referred to Minute 925/97 of Planning Committee and to the decision of Development Control Committee at Minute 31/03 and reported further on Application No. 03/01217/REN submitted by the Luton Borough Council Waste Management Division for planning permission in respect of the continued use of the existing building at the Central Depot, Kingsway as a waste transfer station and materials recovery facility for a further temporary period.

The Development Control Manager reported that further procedural difficulties which had been encountered as a result of the tendering process had meant that implementation of planning permission 00/00614/COU approved at Minute 178/01 would be delayed, and therefore an application had been submitted for the continued use of the existing waste transfer facility for a further temporary period until 30th June, 2004.

Resolved: That Application No. 03/00136/REN be approved subject to compliance with the following conditions:-

- (01) The permission hereby granted shall be limited to a period expiring on 30th June 2004 whereupon the use(s) shall be discontinued unless before that date permission has been given for its/their retention. (Reason: To prevent an unsatisfactory form of permanent development and to assess the effectiveness of the mitigation measures approved as part of this permission.)
- (02) The fast-acting doors shown on the approved plans shall be retained and maintained in good working order thereafter. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.)
- (03) Except as may be approved by the Local Planning Authority beforehand and excepting the requirements of Condition 12. (A) No operations authorised or required under this permission other than cleaning and maintenance within the building shall be carried out except between the following times:- Monday to Friday 06:00 to 16:00 hours, Saturday 06:00 to 14:00 hours. (B) Cleaning and maintenance operations within the building shall only be carried out during the following times:- Monday to Friday 06:00 to 20:00 hours,

Saturday 08:00 to 16:00 hours. (C) No operations authorised or required under this permission shall be carried out on Sundays or Public and Bank Holidays with the exception of Good Friday whereupon the hours of operation shall equate to those permitted between Mondays and Fridays. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.)

- (04) No goods, waste or other materials shall be stored outside the building (s) in the open except in such locations and containers (including skips) as may be approved beforehand by the Local Planning Authority. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.)
- (05) The site shall only be used for the reception, recycling and transfer of waste up to a maximum of 78,800 tonnes per annum, derived only from waste collection authority collections and litter and refuse from street sweeping. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.)
- (06) At no time shall members of the general public be allowed to use the facilities on the site. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.)
- (07) No waste shall be stored on the site overnight, except in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall provide for the storage of waste in sealed vehicular containers within the closed building and any waste stored overnight shall be removed the following day. The overnight storage of waste shall only take place in exceptional circumstances and not on Saturday or Sunday nights. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.)
- (08) Notwithstanding Condition 07 above, dry, recyclable materials handled by the materials recovery facility may be stored within the building, other than in a sealed container, provided that no such materials shall remain on-site for more than 4 weeks from the date it was brought onto the site. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.)

- (09) The scheme for the regular cleaning of the site and building, washing of bulk carriers and refuse collection vehicles, litter retrieval and the control of pests and flies as approved in Planning Application L/01097/Z/1 on 19th March 1998 shall be maintained to the satisfaction of the Local Planning Authority. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.)
- (10) Notwithstanding the submitted details, the general access and traffic parking arrangements for the site shown on drawing No. 67653 dated August 1995 shall be retained at all times and not altered without the prior written permission of the Local Planning Authority. (Reason: To ensure that adequate provision is made for vehicles to park clear of the highway in the interest of road safety.)
- (11) The scheme for the monitoring of odour emissions (which included details of the proposed location and frequency of odour measurements) together with the scheme for recommendations for odour abatement measures as approved in Planning Applications L/01097/Z/1 on 19th March 1998 and 00/00230/DIS on 25th May 2000 shall be maintained to the satisfaction of the Local Planning Authority. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.)
- (12) Notwithstanding the submitted details, no vehicles associated with operations authorised or required under this permission shall be started up or manoeuvred within the area outside the building to the north of the garage entrance doors except after 07:00 hours on any day. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.)
- (13) The surface water and foul sewerage drainage system approved in Planning Application L/01097/Z/2 on 15th January 1998 shall be maintained to the satisfaction of the Local Planning Authority. (Reason: To prevent pollution of the water environment.)

160 DEPOSITED PLANS AND APPLICATIONS FOR PLANNING PERMISSION AND OTHER PROPOSALS (REF: 7.5)

The Development Control Manager reported on certain applications

for planning permission. He also reported on objections to the grant of planning permission referred to below which were made available to the Committee.

Application No.	Number of Objections	Right to Speak
03/00732/FUL	1	
03/01238/FUL	8 + 1 letter from Kelvin Hopkins MP.	O + A

Resolved: (i) That the Applications detailed in Schedule "A(1)" to these Minutes be deferred for the reason stated therein.

(Note: The meeting ended at 7.10 p.m.)