

Development Control Committee

Minutes

24 March 2021 at 6.00 pm

Present:

Councillor Taylor (Chair); Councillors Agbley, Ali, Bridgen, Campbell, Donelon, Franks, A. Hussain, M. Hussain and Roche

14 Minutes - Ref (2.1)

That the minutes of the meeting of the Committee held on the 24 February 2021 be taken as read, approved as a correct record and signed by the Chair in due course.

15 70 New Bedford Road (Former Lansdowne Club), Luton (Ref 7)

The Planning Officer reported on Application No. 20/00573/FUL submitted by Lansdowne Developments Ltd, for the erection of an eleven storey building comprising of 84 (19 x one-bedroom, 60 x two-bedroom and five x three-bedroom) residential units (Use Class C3) with associated pedestrian and vehicular access, car parking and landscaping following demolition of existing unoccupied accommodation at No 70 New Bedford Road (Former Lansdowne Club), Luton.

An update to the report had been circulated to Members of the Committee on the day of the meeting.

The Planning Officer reported that the application had been notified to neighbouring properties and a site notice posted and a press notice placed in the local paper. The original notification exercise elicited 67 representations in total. He also reported that given the significant changes to the proposal during the course of the application, the current revisions also required a full re-consultation exercise and a number of neighbouring properties were re-notified, a site notice erected and a press notice published in the local paper.

The Planning Officer further reported that this second round of consultation attracted

19 letters of representation in objection to the development. A petition had also been set up in objection to the development, which was yet to be received by the Local Planning Authority.

In accordance with the right to speak procedure (RTS), the applicant's agent and two objectors addressed the Committee.

Following debate, comments and statements by Members of the Committee, Councillor Franks proposed a motion, seconded by Councillor Bridgen for the committee to defer the application. However, following legal advice, this motion was not voted upon. The Clerk to the Committee advised that as long as the reasons for the refusal were clearly articulated and agreed at this meeting and depending on which way Members wish to vote, the Committee would be able to take a definite decision rather than deferring to a future meeting.

Following further debate, comments and statements by Members of the Committee, the Chair moved officer's recommendation to approve the application as set out in the report.

3 Members voted in favour of officer's recommendation that the application be approved and 6 Members voted against officer's recommendation.

Following further discussions regarding the reasons why the application should not be approved, Councillor Franks proposed a motion for the application to be refused seconded by Councillor Bridgen.

The Chair moved that the application be refused as proposed by Councillor Franks.

5 Members voted in favour of the refusal on the grounds highlighted below and 3 Members voted against the refusal of the application.

- (i) Impact on the street scene and character and appearance of the area;
- (ii) The detrimental impact on the non-designated heritage asset;
- (iii) The overbearing impact; and
- (iv) Failure to provide a mechanism to provide for on-site affordable housing and developer contributions.

Resolved: That Application No. 20/00573/FUL be refused on the grounds set out in (i) to (iv) below.

- (i) Impact on the street scene and character and appearance of the area;
- (ii) The detrimental impact on the non-designated heritage asset;
- (iii) The overbearing impact; and
- (iv) Failure to provide a mechanism to provide for on-site affordable housing and developer contributions.

16 Legislative Changes - Ref 8

The Planning Officer submitted the report Ref: 8 regarding the recently published key changes to planning legislation set out in Business and Planning Act 2020. She explained in detail the changes relating to Use Classes Reform, Coronavirus Regulations and various statutory instruments relating to Permitted Development.

The legislative changes introduced three new classes in relation to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 with some of the changes allowing transfer without planning permission. These changes came into effect from 1 September 2020 with greater flexibility. In relation to the three new Use Classes, (E, F1 and F2) Members heard that there would be an impact on Policies within the Local Plan.

The Planning Officer further advised on specific changes in key headlines as set out below.

Enlargement of a dwelling house by construction of additional storeys (Part 1 Class AA)

- Detached, semi-detached or terrace to be extended upwards to provide additional living space by constructing additional storeys
- Covering the period 1st July 1948 and 5th March 2018.
- Two-storey dwellings and above are able to go up two additional storeys
- One-storey dwelling is able to go up 1 additional storey. (This must be the original dwelling.)
- The height of the roof after works must not exceed the highest part of the existing roof by more than 3.5m on a single storey dwelling or 7m in a two or more storey dwelling.
- Must be on the principal part of the building and cannot exceed 18m

Demolition of buildings and construction of new dwelling houses in their place (Part 20 Class ZA)

- Demolition of a single detached building existing on 12 March 2020.
- Must have been an office, research and development or industrial processes or free-standing purpose built block of flats.
- Built before 1990 and would have been vacant for at least six months before the date of the application for prior approval.
- Replacement with an individual detached block of flats or a single detached dwelling house within the footprint of the old building
- The new building height cannot exceed 18m

New dwellings on detached blocks of flats (Part 20 Class A) New dwelling houses on detached buildings in commercial or mixed use (Part 20 Class AA)

- Detached and mixed-use buildings would be able to go up additional two-storeys to create new flats.
- Covering the period 1st July 1948 and 5th March 2018.
- The existing building must be more than three-storeys and the upward extension must be on the principal part of the building.
- The building height cannot exceed 30m (excluding plant).

New dwelling houses on terrace buildings in commercial or mixed use Part 20 Class AB), on terrace buildings in use as dwelling houses Part 20 Class AC), on detached buildings in use as dwelling houses Part 20 Class AD)

- Covering the period 1st July 1948 and 5th March 2018. (So far, these type of applications had not been made).
- Two-storey building and above are able to go up two additional storeys.
- One-storey building is able to go up 1 additional storey.

- Must be on the principal part of the building and cannot exceed 18m
- The highest part of the new roof compared to the existing building cannot exceed 3.5 metres for a single-storey building or 7.5 metres for a two-storey building and above.
- The new building height can only extend 3.5m upward from the lowest roof height in the terrace

In response to a question regarding the significant of the dates whether these came under planning or building regulations, Officers advised that the dates were relevant to the dates in which the planning act had been introduced.

Regarding the possibility of building 2 flats on top of a 2 bedroom house, Officers advised that this was a possibility.

A Member commented that there was need for Members to persuade the council to respond with strong objections to some of these changes and resist these amendments in every possible way.

Regarding the impact of the changes to conservation areas and or listed buildings, Officers advised that conservation areas and listed buildings had not been affected by the new legislation.

Regarding HMOs, these would come under a separate use class and an application for planning permission would be required.

In terms of outward appearance, the Local Planning Authority would have less control but there would be other things that could be taken into account. Compliance with the legislation would allow a degree of flexibility but that flexibility was not currently transparent. However, it was clear that councils would have less control through the application process. The council would as much as possible ensure that policies in the development plan had safeguard measures. In addition, building control had no requirement to pass through the council.

In terms of the degree of control available to the council, Officers advised that the government allowed de-regularisation of building control and so the developers would have right to choose whatever route they wish to unless the council had received complaints in respect of the development. This was very much limited for the local authorities without much control. Furthermore, the council would be able to apply the same standards like the Independent Inspectors.

In relation to the new legislation and building control, a Member stated that where a person had submitted building plans and then hire an independent Inspector to check the building, the council would not be able to intervene where the design was not the exact match the original plan. The implication was that the council would have limited control on any variation on the plan only where the difference in the original design plan was considered serious enough or of a significant nature. The Member stated that it was unfortunate that not all Inspectors were in-house, as this would have enabled the council some degree of control.

In response, Officers advised that planning enforcement is different from Building Regulations. It would be no different from any other planning enforcement route. If the development had deviated from its original design plan, the council would be able to take enforcement action in relation to significant variation and if it was in the interest of the council. The test of expediency would apply irrespective.

A Member commented that this situation of two extra floor on top of existing buildings or property would mean that the houses opposite the roads would no longer be able to get sunlight, as it would be shaded away from the sun because of the two extra floors on top of the existing property. He said this was ludicrous and was totally against the legislation, as it would damage many towns.

The Chair stated that a number of local authorities were making representations in objection to the new legislation. He added that no doubt this was a challenge for the council.

A Member explained that Building regulations set the standards for the design and construction of buildings, which would ensure safety, and health for the people in those buildings, and local authorities no longer had the monopoly of building control. He further stated that planning consent had to do with the appearance of buildings and the impact of development, etc.

Another Member commented that these reports should be produced and presented in a way that would ensure a much better understanding. Also at this stage Members needed to have an understanding of the legislation to be able to identify what should be done and what shouldn't and be in a position to explain to constituents when required.

Resolved: That the report Ref: 8 regarding some of the key changes to planning legislation released in 2020 as set out in Business & Planning Act 2020, Use Class Reform, Coronavirus Regs and various Statutory Instruments relating to Permitted Development be, noted.

(Note: (i) Members of the Committee declared interest in that they had received information from one of the objectors in relation to Agenda Item 7, Application No. 20/00573/FUL submitted by Lansdowne Developments Ltd at No 70 New Bedford Road (Former Lansdowne Club), Luton. All Members remained in the virtual room to consider the application

(ii) Councillor Ali left the virtual meeting room before the conclusion of Item 7; Application No. 20/00573/FUL submitted by Lansdowne Developments Ltd at No 70 New Bedford Road (Former Lansdowne Club), Luton; therefore he took no part in the vote regarding the motion to refuse the application.

(iii) The meeting ended at 7.50pm))