

DEVELOPMENT CONTROL COMMITTEE

WEDNESDAY 27TH APRIL 2005

RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER
FOR APPROVAL OF PLANNING PERMISSION

APPLICATION NO 05/00199/FUL
PROPOSAL : Erection of a 4/5 storey building comprising of ground
 floor commercial space and 33 no1 bedroom flats
 after demolition of factory.
LOCATION : 41 Dudley Street Luton
APPLICANT : G.P.S Properties Ltd
POLICY/ALLOCATION: BP1, EMP1, E1, H7,
WARDS AFFECTED: HIGH TOWN

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 enhance the appearance of the proposed development. To accord with the objectives of Policy(ies) BP1, E1, E8 and H7 of the Borough of Luton Local Plan.

- 3 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 ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policy(ies) BP1 and E1 of the Borough of Luton Local Plan.

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- 4 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 vehicles in connection with the commercial premises 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) BP1, E1, H2 and T7 of the Borough of Luton Local Plan.
- 5 External lighting shall be provided to the parking/service area(s) and to the perimeter of the building(s) in accordance with a scheme to be submitted to and approved by the Local Planning Authority before the development hereby permitted is commenced and the approved lighting shall be installed and fully operational prior to the occupation of the building(s).

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, H2 and H7 of the Borough of Luton Local Plan.
- 6 The garden/amenity space, bin and cycle storage 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 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 H2 of the Borough of Luton Local Plan.
- 7 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, H2 and H7 of the Borough of Luton Local Plan.
- 8 Full details of the materials to be used in the construction of the 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) BP1, E1, E8, H2 and H7 of the Borough of Luton Local Plan.

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- 9 The ground floor facilities shall be used for purposes within Use Class B1 (offices) specified in 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 not for any other purpose without the prior written permission of the Local Planning Authority.
To protect the amenities of the adjoining properties and the occupiers of the upper levels of the development hereby approved. To accord with the objectives of Policy(ies) BP1, E1, H1 and H7 of the Borough of Luton Local Plan.
- 10 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) BP1, E1 and E10 of the Borough of Luton Local Plan.
- 11 The design and specifications of the proposed residential conversion works shall be such that the night time noise levels within any residential unit, with windows closed, shall not exceed 30dB LAeq (2300-0700) and the day time levels shall not exceed 40dB LAeq (0700-2300) respectively. Also, the nighttime LA max level should not exceed 45dB. Details of noise insulation measures, including the windows to the front and rear facades of the building shall be submitted to and approved by the Local Planning Authority before any work is commenced and the approved insulation scheme shall be completed prior to the occupation of the development.
To protect the amenities of the residents of the development. To accord with the objectives of Policies BP1, E1 and E12 of the Borough of Luton Local Plan.
- 12 Before the development hereby permitted is commenced, the developer will complete a desktop study to establish whether the site is potentially contaminated. The desktop study shall be submitted to the Local Planning Authority for consideration in consultation with the Environment Agency and the Council's Environmental Health Service and no development shall take place on the site until the Local Planning Authority has formally discharged this condition.
Reason: 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.
- 13 Pursuant to the satisfactory discharge of condition 12 and, if the desktop study required by that condition has so indicated, an intrusive soil investigation shall be undertaken to assess the degree and nature of any contamination present, and to determine its potential for pollution of the water environment and risk to other receptors via a qualitative risk assessment. The method and extent of the investigation shall be agreed with the Local Planning Authority in consultation with the Environment Agency and the Council's

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Environmental Health Service beforehand and the investigation shall be undertaken prior to the commencement of the development.

Reason: 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.

- 14 Subject to the result of the studies required by conditions 12 and 13, a remediation strategy setting out a timetable of works and the proposed means of dealing with any contamination on site, including provisions for monitoring any specified actions and validating the outcomes, shall then be submitted to and approved by the Local Planning Authority in consultation with the Environment Agency and the Council's Environmental Health Service before the development commences. The development shall then proceed in strict accordance with the approved remediation strategy.

Reason: 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.

- 15 No soakaways shall be constructed in contaminated ground.

Reason: To prevent pollution of groundwater. To accord with the objectives of Policy(ies) BP1, E1 and E10 of the Borough of Luton Local Plan.

APPLICATION NO	05/00260/LBC
PROPOSAL :	Ground floor alterations, alterations and extensions to the upper floors of the building to form two 1-bedroom flats and one 2-Bedroom flat and the construction of glazed canopy. (Resubmission)
LOCATION :	The Cock Public House 38 Park Street
APPLICANT :	Mr. D. Westcott
POLICY/ALLOCATION:	BP1, E1, E6, E7, TC2, TC5,
WARDS AFFECTED:	SOUTH

CONDITIONS :

- 1 The building works hereby consented to shall be begun not later than the expiration of 5 years beginning with the date of this consent.

Reason: To limit the duration of the consent in accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act, 1990.

- 2 Notwithstanding the submitted plans, before the development hereby permitted is commenced full details of the glazed structure/canopy as indicated on the submitted plans shall be submitted to and approved by the Local Planning Authority. The agreed scheme shall be implemented before the development hereby permitted is brought into use.

To enable the Local Planning Authority to protect the character and setting of the Grade II Listed Building. To accord with Policies BP1, E1 and E6 of the Luton Borough Local Plan.

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APPLICATION NO 05/00261/FUL
PROPOSAL : Erection of first floor and second floor extensions to building to form two 1-bedroom flats and one 2-bedroom flat and the construction of glazed canopy. (Resubmission)
LOCATION : The Cock Public House 38 Park Street
APPLICANT : Mr. D. Westcott
POLICY/ALLOCATION: BP1, E1, E6, H1, H2,
WARDS AFFECTED: SOUTH

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 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 H2 of the Borough of Luton Local Plan.
- 3 Samples of the materials to be used in the construction of the wall elevations and roof of the new 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, H1 and H2 of the Borough of Luton Local Plan.
- 4 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, H1, H2 and H7 of the Borough of Luton Local Plan.
- 5 The ground floor of the building shall be used only for A3 purposes as defined in the Town and Country Planning Use Classes Amendment Order 2005 (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.
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, E6 and E12 of the Borough of Luton Local Plan.

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- 6 The design and specifications of the proposed residential conversion works shall be such that the night time noise levels within any bedroom, with windows closed, shall not exceed 35dB(A) LAeq and day time levels shall not exceed 40dB(A) LAeq. Details of noise insulation measures, including the windows to the front and rear facades of the building shall be submitted to and approved by the Local Planning Authority before any work is commenced and the approved insulation scheme shall be completed prior to the occupation of the development.
To protect the amenities of the residents of the development to accord with the objectives of Policies BP1, E1 and E12 of the Borough of Luton Local Plan.
- 7 Notwithstanding the submitted plans before the development hereby permitted is commenced full details of the glazed structural canopy as indicated on the submitted plans shall be submitted to and approved by the Local Planning Authority. The agreed scheme shall be implemented before the development hereby permitted is brought into use.
To enable the Local Planning Authority to protect the character and setting of the Grade II Listed Building. To accord with Policies BP1, E1, E6 and E8 of the Borough of Luton Local Plan.
- 8 The use of the ground floor for A3 purposes as hereby permitted shall not operate outside the following hours: 07.00 hours to 00.00 hours.
Reason: To protect the amenities of neighbouring properties. To accord with the objectives of Policy(ies) BP1, E1, H1 and H2 of the Borough of Luton Local Plan.
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APPLICATION NO	05/00290/REM
PROPOSAL :	Development of land for uses within class B1 etc - Approval of Reserved Matters (Siting, design, external appearance and means of access and landscaping) of permission L/16154/M/O dated 24th July 1997.
LOCATION :	Plot 720 & 730 Capability Green
APPLICANT :	Pillar Property Investments PLC
POLICY/ALLOCATION:	BP1, EMP1, E1, E8, T7, IND,
WARDS AFFECTED:	SOUTH

CONDITIONS :

- 1 Condition No. 12 of Planning Permission No. 04/01038/VARCON dated 13th October 2004 is hereby discharged insofar as it relates to the siting, height, design, external appearance, access, landscaping and the layout and siting of car parking, loading, unloading and manoeuvring for the development of Plots 720 - 730. Subject to the following Condition:-

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(01) 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 any such plant is installed.

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) E1 and EMP1 of the Borough of Luton Local Plan.

APPLICATION NO	05/00447/FUL
PROPOSAL :	Resurfacing of tennis courts and multipurpose courts and erection of floodlighting system to courts 1 and 2 and artificial turf pitch.
LOCATION :	Denbigh High School Alexandra Avenue
APPLICANT :	Denbigh High School
POLICY/ALLOCATION:	E1, E8, LC5, OS1,
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 facility and floodlights hereby approved shall not be operated outside the following hours: Mondays to Fridays, (7.30 am to 10.00pm); Saturdays, (9.00am to 9.00pm); Sundays and Bank Holidays, (10.00am to 10.00pm).
Reason: To protect the amenities of neighbouring properties. To accord with the objectives of Policy(ies) E1 of the Borough of Luton Local Plan.
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APPLICATION NO	05/00532/COU
PROPOSAL :	Change of use from car sales showrooms to use within classes B1/B2/B8.
LOCATION :	Sanderson Motor House Dencora Way
APPLICANT :	Raphael Property Inv. Co. Ltd.
POLICY/ALLOCATION:	EMP1, EMP5,
N:	
WARDS AFFECTED:	SUNDON PARK

CONDITIONS :

- 1 The development hereby permitted shall be begun not later than the expiration of five years beginning with the date of this permission.

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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 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 employees 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. To accord with the objectives of Policy(ies) T7 of the Borough of Luton Local Plan.

- 3 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: In the interests of visual amenity and highway safety. To accord with the objectives of Policy(ies) E1 of the Borough of Luton Local Plan.

- 4 The front part of the building (outlined in orange on the approved plans) shall not be used at any time for the purposes within Use Class B2 specified in 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) 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) H1 and E1 of the Borough of Luton Local Plan.

APPLICATION NO	05/00554/COU
PROPOSAL :	Change of Use from residential dwellings (C3A) to Islamic Education and Cultural Centre (D1H).
LOCATION :	25-27 Westbourne Road Luton
APPLICANT :	Mr. M. Quban
POLICY/ALLOCATION:	BP1, E1, LC1, LC2 and T7
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.

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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, LC1 and LC2 of the Borough of Luton Local Plan.

- 3 The additional floorspace hereby permitted shall only be used for purposes ancillary to the principal use of the premises as an Islamic Education and Cultural Centre.

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.

**DEVELOPMENT CONTROL COMMITTEE
WEDNESDAY 27TH APRIL 2005
RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER
FOR REFUSAL OF PLANNING PERMISSION**

APPLICATION NO 05/00240/ROC
PROPOSAL : Removal of Condition No. 4 (visibility splays) of
 Permission No. 03/01254/FUL dated 12th December
 2003.
LOCATION : 33 Cardiff Road Luton
APPLICANT : Luton Samaritans
POLICY/ALLOCATION: EMP1
WARDS AFFECTED: SOUTH

REASONS FOR REFUSAL :

- 1 The proposal would result in an unsatisfactory standard of development by providing an access, which would lack adequate visibility splays to the detriment of highway and pedestrian safety. The proposal would thereby be contrary to Policies BP1 and E1 of the Borough of Luton Local Plan.