

Appendix B: Technical Consultation Responses

- **LBC Highways:** The revised Feb 2021 Transport Statement is acceptable, the conclusions are generally accepted and no major highway implications are anticipated with respect to the greater highway network. It is expected that there will be a minor increase in traffic queues at the Villa Road / Old Bedford Road junction but not to the extent that would warrant highway improvements. No on-street residents parking permits will be available for future occupiers of the development, a financial contribution towards the Luton Car Club of £17,500 is requested and conditions requested in relation to the construction period.
- **LBC Environmental Protection:** No objections. Conditions relating to contamination, noise mitigation, vibration, external lighting and construction recommended. In relation to air quality specifically, Environmental Protection are satisfied with the conclusions of the air impact assessment, welcome the commitment to electric vehicle charging and to ensure the construction phase impacts are suitably mitigated through a Construction Environmental Management Plan.
- **Affinity Water:** Satisfied with the latest information provided. Recommend conditions to be attached.
- **Thames Water:** With regard to surface water, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water they would have no objection. Thames Water would advise that with regard to foul water sewerage network infrastructure capacity, there is no objection.
- **London Luton Airport:** The proposed development does not conflict with safeguarding criteria and accordingly there is no safeguarding objection to the proposal. Details of any craneage associated with the development must be submitted to London Luton Airport for approval a minimum of 28 days before the commencement of works.
- **Environment Agency:** Thank you for consulting us on the amended information, we are now in a position to remove our original objection to the proposal on flood risk grounds. An informative to be attached to the grant of any planning permission.
- **BEAMS (Heritage Advice):** The Lansdowne Club, 70 New Bedford Road is a handsome detached late Victorian villa which was once one of a row of villas set back on rising ground with large formal gardens sloping down to the New Bedford Road with the River Lea in between. The villas were located outside the centre of town on the route to Bedford and were owned by notable figures in Luton. Most have now been demolished and replaced and where they still exist they have been extended and altered. Despite the character of the area having changed these Victorian villas provide evidence of the built character of this area in the late 19th century.

Unfortunately, the former Lansdowne Club building has been considerably extended to front and rear with various single storey / 1 1/2 storey accretions, these extensions (and particularly those to the front) do now detract from the late 19th century character and appearance of the property. Internally the building has been altered at ground floor level but the first and second floors are more intact. The property is considered to be of local architectural merit and is also of historic local importance as the

residence of a former Mayor of Luton, Murry Barford. Whilst no. 70 was not included on the draft local list (unlike no. 72 adjacent) it has a degree of group value with the 19th century properties either side and it is appropriate to consider it a 'non-designated heritage asset'.

Non designated heritage assets are defined as: 'buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets.'

A Heritage Statement has been produced by Cotswold Archaeology as part of the submission, it provides a good history of the site and its development, and a thorough assessment of the existing building. It concludes that the building comprises a non-designated heritage asset of limited architectural, aesthetic and artistic interest - BEAMS would agree with this conclusion.

However, concerns were raised at the pre-application stage regarding loss of the building, the scale of the proposed development and its impact upon the setting of no. 72 (Leaside Hotel), which is included upon the draft Local List. These concerns remain.

Following input from the Design Review Panel the layout and scale of the development has altered. BEAMS does not welcome the further increase in height (as recommended by the DRP) or the overall massing / footprint of the proposal but we note the external appearance and proposed materials have both been significantly improved with the use of brick now being the predominant cladding material.

Buildings, features and structures which do warrant consideration as non-designated heritage assets are a material consideration in the planning process. Paragraph 197 of the NPPF states: "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset"

The proposal involves the complete demolition of the existing building and so the scale of the harm to the asset would therefore be substantial. Paragraph 184 of the NPPF states that local planning authorities "should recognise assets are an irreplaceable resource and conserve them in a manner appropriate to their significance". The significance of the existing building relates to its appearance (although it is acknowledged its appearance has been harmed by 20th century alterations and extensions), its siting and historic associations.

Paragraphs 185 of the NPPF relates to designated and to non-designated heritage assets and states "In determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation".

BEAMS recommend Luton BC weigh up the harm arising from the loss of the building in the planning balance.

If Luton are minded to approve the application a condition requiring the installation of an installation board at the front of the site (with details to be provided) is suggested.

- **LBC Public Health:** * Comments received to original application only. Potential noise impact from road traffic on New Bedford Road and train movements should be mitigated; existing trees to the eastern boundary located on the adjacent plots to be retained and elements of tree root protection have been factored into the proposals, as well as a combination of street trees and shrub planting which will provide a barrier and car parking has been limited to reduce emissions and to encourage sustainable travel given the accessibility of the proposed development.
- **LBC Waste Management:** With the proposed number of flats the minimum number of refuse and recycling bins is 16 x 1100 litre to make sure there is no overflowing bins with the current collection frequency. The bin store room should be clearly signed and recycling bins should be separated from refuse to avoid contamination. A developer contribution of £3,288.48 is sought. *NB whilst the bin store on the lower ground floor flat shows an area of 14 x 1100 litre storage under the main building, there is also a second store under the four storey building which cumulatively would provide sufficient refuse storage.
- **LBC Parks:** No comments received. Any comments shall be reported at the Meeting.
- **LBC Libraries:** No comments received. Any comments shall be reported at the Meeting.
- **LBC Museums:** Contribution requested. £9,056 towards providing public access to the history of the hat manufacturing trade in the town through trails, educational material and interpretative displays.
- **LBC Education:** Contributions requested:
 - Primary Education: £290,497 for improving St. Matthew's Primary School; and
 - Secondary Education: £112,642 for ACE expansion.
- **LBC Lead Local Flood Authority:** No objections. Conditions recommended relating to surface water drainage and a verification report.
- **Bedfordshire Fire and Rescue:** * Comments received to original application only. Standard advice received in relation to access and facilities for the Fire Service, the provision of fire hydrants and the recommended installation of sprinklers. In relation to this site specifically it is commented that existing fire hydrant number 9516 is located adjacent to number 72 New Bedford Road. The developer must ensure that this fire hydrant is not damaged or obstructed by the construction work and that the riser inlets for this building are positioned so as to be within 45m of a fire hydrant.
- **LBC Housing:** Welcome changes to the design and layout which provide good sized flats with a typology mix which meets local needs, alongside the thought which has been given to the liveability of the scheme in terms of amenity space etc. The existence of separate access cores is also a positive feature, providing more natural surveillance between neighbours. Unfortunately, the proposal to exclude affordable housing on the site is very disappointing. There is a very high need for affordable homes in Luton and

many on the housing register and living in temporary accommodation would benefit from the kind of homes provided on this site.

- **Bedfordshire police:** * Comments received to original application only. Any approval to be conditional upon details of boundary treatment and access control, lighting and CCTV.
- **Design Review Panel South East:** * Comments on the originally submitted proposal: The panel supports the notion of a 'gateway' development in this location, but one that is exemplary. We do not feel that this quality has been achieved and think that a fresh approach is required. That approach should be based on a thorough understanding of context and a commitment to design quality from the outset in order to deliver a project that contributes to the town and supports quality of life for its residents.

The development is likely to become a catalyst for adjacent plots and must therefore set a precedent in terms of design quality. We are not against the principle of height and densification here but do have concerns about a 'constraints-led' approach, which is limiting the site's potential to contribute to the urban context and townscape of the area and the residents' quality of life.

A Villa Road-wide urban design framework would help to set quality expectations and provide a clear contextually appropriate strategy for development across sites in the area.

A strategy for tall buildings across Luton, including this location would help to provide clarity for applicants.

The panel would be very happy to provide further input through a design workshop that could help to define core principles and realise the potential of this important site.

* Comments on a later version of the proposal that was subsequently taken to a second Design Review Panel session (noting that the proposal has been further amended to seek to take on board further comments raised): Significant progress has been made since the initial review, resulting in a marked improvement on quality of accommodation provided on the site. The revised form has been simplified with a logical relocation of the perimeter block and tower that enhances the orientation and quality of the public realm, landscape and amenity at ground level as well as improving pedestrian access into the site.

Although we support the strategic urban moves, further detailed studies should now be made to successfully stitch the project into its context. The increased height of the tower must be justified through careful detailed design and fine material articulation. The new closer proximity of the building to the Leaside Hotel is acceptable and could be further balanced by enhancing the street character and pedestrian activity on Villa Road.

We are positive about the team's active engagement with the design panel and would welcome further sessions to discuss design options as the scheme improves.

- **LBC Ecology:** Require a Preliminary Ecological Assessment (PEA) to assess ecological interests on the site. *NB following these comments a PEA was provided by Applied Ecology and it confirmed that the site was of negligible ecological and biodiversity value. This is expanded upon in the relevant section of this report.

Appendix C: Public Consultation Responses in Response to the Original Consultation

- **Issue: Overlooking/Loss of Privacy.**
 - *Officer Consideration: Addressed within the body of the report.*
- **Issue: Noise and Disturbance.**
 - *Officer Consideration: It is not considered that noise and disturbance from a residential scheme would be out of character in this area which is already characterised by residential, commercial and religious uses.*
- **Issue: Over-bearing and Dominating of Neighbouring Buildings.**
 - *Officer Consideration: Addressed within the body of the report.*
- **Issue: Insufficient Car Parking.**
 - *Officer Consideration: Addressed within the body of the report. Considered appropriate in this highly sustainable location.*
- **Issue: Scale of the Building.**
 - *Officer Consideration: Addressed within the body of the report.*
- **Issue: Loss of Light.**
 - *Officer consideration. Addressed within the body of the report.*
- **Issue: Traffic and Pollution Including Poor Air Quality.**
 - *Officer Consideration: Addressed within the body of the report. Lesser provision of parking than could be anticipated and, therefore, a lesser amount of pollution. The proposal is also accompanied by an air quality impact assessment the results of which are accepted by the Council's Environmental Protection Team.*
- **Issue: Villa Road Would Not Be Able to Cope With the Amount of Traffic.**
 - *Officer Consideration: The Highway Authority has raised no objection to the proposal on the basis of impact on the highway network. In relation to the physical condition of Villa Road, it will be in the applicant's interest to ensure that this provides a suitable access for any future residents.*
- **Issue: No Need for Further Apartments in Luton Town Centre.**
 - *Officer consideration: There is still a housing need in Luton and particularly for larger two and three bedroom units which comprise approximately 77% of this scheme.*
- **Issue: Out of Keeping / Detrimental Impact on the Character and Appearance of the Area.**
 - *Officer consideration. Addressed within the body of the report.*
- **Issue: Loss of Historic Building.**
 - *Officer consideration. Addressed within the body of the report.*
- **Issue: There would be Significant Noise and Disruption during Construction.**
 - *Officer Consideration: Addressed within the body of the report and noise and disruption during construction is not an impediment to granting planning permission as these temporary issues can be controlled. In this instance a*

Construction Environmental Management Plan is recommended as a condition to be attached to any grant of planning permission.

- **Issue: The Proposal Would Set a Precedent.**
 - *Officer consideration. As the design is considered to be a high quality, the proposal could indeed set an exemplar of the design standard to achieve. Notwithstanding this, each planning application is considered on its own merits.*
- **Issue: The Design of the Building is Poor.**
 - *Officer consideration. Addressed within the body of the report.*
- **Issue: Lack of Affordable Housing.**
 - *Officer consideration. Addressed within the body of the report.*
- **Issue: The Proposal Would Result in Drainage and Sewerage Issues.**
 - *Officer consideration. Not objections have been received to the proposal from either the Environment Agency, Lead Local Flood Authority or the sewerage undertaker.*
- **Issue: Lack of Communal Recreation Space.**
 - *Officer Consideration: Addressed within the body of the report and it is noted that the proposal provides well in excess of the minimum standard of external amenity space.*
- **Issue: Negative Impact on no. 72 New Bedford Road.**
 - *Officer Consideration: Addressed within the body of the report.*
- **Issue: Contrary to the Development Plan.**
 - *Officer Consideration: The proposal is not considered to be contrary to the Local Plan and complies with many policies within the plan. This is addressed in detail within the body of the report.*
- **Issue: There is an Existing Over-Provision of One and Two Bedroom Properties.**
 - *Officer Consideration: Addressed within the body of the report and the mix of units is considered to be excellent in this instance, noting that there is still very much a requirement for two bedroom properties.*
- **Issue: Use of Cladding Would be Unacceptable.**
 - *Officer Consideration: The buildings proposed would be of primarily brick construction. The cladding to be provided is only intended to break up the elevations, provide a feature and contrast with the brickwork.*

In addition to these objections, it is noted that the original application also attracted five letters of support. In these representations it is stated:

- I support this build that will allow over a 100 people to live and work in Luton. The historic building is neglected and unused and the space would be put to better use as housing. This build would help to ease the current housing crisis in the Luton area and would boost the local economy by bringing valuable workers to the area, which will be customers for local businesses too.

- The proposed building will be a landmark development at a major gateway to the town centre of Luton. The quality of the build looks exceptional, modern and bright and I am pleased it is aimed at a level of occupier who can only enhance Luton and at the same time provide a totally hostile environment for the criminal fraternity. I wholeheartedly support the development.
- Luton Town is in need of regeneration and development. A derelict building is always going to be an eyesore in such an important location, which is visible from the main road and the railway line. Flats are needed in such a location and it will improve the visual outlook in the area.
- I support the application in principle as the current use of the Club is not commercially viable. However, Villa Road should be constructed to a suitable standard, possibly as a requirement in a S106 agreement.
- I support this application as I think it will improve the look of the road and gentrify the area. I love the design of the building and hope this is just the start of improving the way Luton looks.

Public Consultation Responses in Response to the Re-Consultation on the Revised Scheme:

- **Issue: Scale of the Building.**
 - *Officer Consideration: Addressed within the body of the report.*
- **Issue: Loss of a Heritage Asset.**
 - *Officer Consideration: Addressed within the body of the report.*
- **Issue: The Design of the Building is not good enough.**
 - *Officer Consideration: Addressed within the body of the report.*
- **Issue: The Development Plan Directs Towards Refusal of the Application.**
 - *Officer Consideration: Addressed within the body of the report.*
- **Issue: There is no Wider Redevelopment of the Area Being Considered at Present and this should not Form a Justification for the Redevelopment of This Individual Site.**
 - *Officer Consideration: The possible redevelopment of a wider area is not seeking to justify this proposal. The applicant was simply asked to show how the adjacent sites could be redeveloped in conjunction with this proposal by the Design Review Panel to demonstrate that this proposal would not sterilise the adjacent sites.*
- **Issue: The Proposal Would Have a Detrimental Impact on the Character and Appearance of the Area.**
 - *Officer Consideration: Addressed within the body of the report.*
- **Issue: The Benefits of the Proposal Would not outweigh the Less Than Substantial Harm Caused to no. 72 New Bedford Road.**
 - *Officer Consideration: Addressed within the body of the report.*
- **Issue: The Revised Proposal Represents an Increase in Number of One and Two Bedroom Units Above Those Originally Proposed.**

- *Officer Consideration: Addressed within the body of the report and the mix of units is considered to be excellent providing a substantial amount of much needed two and three bedroom properties.*
- **Issue: Lack of Affordable Housing.**
 - *Officer Consideration: Addressed within the body of the report.*
- **Issue: The Revisions to The Scheme Would not Benefit Future Residents.**
 - *Officer Consideration: Addressed within the body of the report. The revisions are considered to create a more attractive living environment for future occupiers.*
- **Issue: No Link between the Materials Proposed and the History of Luton.**
 - *Officer Consideration: Addressed within the body of the report. The specific materiality has formed an important part of the consideration of the revised scheme. The indicated materials are considered to be of a high quality and do reference local vernacular. The final details will also be secured through a condition on any planning permission granted.*
- **Issue: The Proposal Would Destroy the Villa Road Street Scene.**
 - *Officer Consideration: Addressed within the body of the report.*
- **Issue: Lack of Amenity Greenspace.**
 - *Officer Consideration: Addressed within the body of the report.*
- **Issue: The Inadequate Parking Provision is Further Reduced in the Revised Scheme.**
 - *Officer Consideration: Addressed within the body of the report.*
- **Issue: The Proposal Would Result in Noise and Disturbance.**
 - *Officer Consideration: It is not considered that noise and disturbance from a residential scheme would be out of character in this area which is already characterised by residential, commercial and religious uses.*
- **Issue: The Proposal Would Overshadow Other Buildings in that Area.**
 - *Officer Consideration: Addressed within the body of the report.*
- **Issue: The Proposal Would Drastically Affect the View.**
 - *Officer Consideration: There is no right to a view in planning law and the proposal is not considered to be overbearing given separation distances to neighbouring buildings.*
- **Issue: The Access is Inadequate.**
 - *Officer Consideration: Addressed within the body of the report.*
- **Issue: The Proposal Would Result in Overlooking.**
 - *Officer Consideration: Addressed within the body of the report.*
- **Issue: There would be a Loss of Trees Affecting Nature and Wildlife.**

- *Officer Consideration: Addressed within the body of the report and the proposal has been amended to take account of the root protection areas of the mature trees on the boundary to ensure their retention.*

- **Issue: There would be Significant Noise and Disruption during Construction.**

- *Officer Consideration: Addressed within the body of the report and noise and disruption during construction is not an impediment to granting planning permission as these temporary issues can be controlled. In this instance a Construction Environmental Management Plan is recommended as a condition to be attached to any grant of planning permission.*

- *Please note that the above is only intended to summarise the nature of the representations received by third parties for the benefit of Members. The full comments received by both objectors and supporters can be viewed on the Council's Public Access system.*