

COMMITTEE: DEVELOPMENT CONTROL

DATE: 10TH JANUARY 2007

SUBJECT: HOTEL SITE, BUTTERFIELD BUSINESS PARK
ERECTION OF A THREE STOREY 157 BEDROOM
HOTEL (REVISED SCHEME)
(APPLICANT: OXFORD GB AND BUTTERFIELD
LAND LTD) (APPLICATION NO: 06/01565/FUL)

REPORT BY: DEVELOPMENT CONTROL MANAGER

CONTACT OFFICER: DAVID GAUNTLETT 546317

IMPLICATIONS:

LEGAL

COMMUNITY

SAFETY

EQUALITIES

ENVIRONMENT

FINANCIAL

CONSULTATIONS

STAFFING

OTHER

WARDS AFFECTED: STOPSLEY

PURPOSE

1. To advise Members of the current position regarding the application for planning permission and to seek their decision. Members will recall that planning permission was granted in July 2006 for a similar proposal on the same site.

RECOMMENDATION(S)

2. That in respect of Application 06/01565/FUL, having regard to the fact that the development is considered to be in accordance with Policies LP1, ENV9, LC8, T2, T3, T13, U2, U3 and BA1 of the Adopted Local Plan, the Development Control Committee is recommended to grant planning permission 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 enhance the appearance of the proposed development. To accord with the objectives of Policy(ies) LP1, LC8, & ENV10 of the Luton Local Plan.

- (03) No trees on the site shall be lopped, topped or felled without the prior approval of the Local Planning Authority, in advance of a landscaping scheme for the site being approved and that scheme shall indicate the location of all the trees existing on the land together with the species of each tree.

Reason: To enhance the appearance of the proposed development. To accord with the objectives of Policy(ies) LP1, LC8, & ENV10 of the Luton Local Plan.

- (04) Prior to the commencement of any work on site an accurate survey plan to a scale of not less than 1:200 shall be submitted to and approved by the Local Planning Authority, showing:-
- (a) The position, height, species, branch spread and condition of all existing trees, shrubs and hedges both within and immediately adjoining the development site;
 - (b) A clear indication of trees, shrubs and hedges to be retained and/or removed;
 - (c) Existing and finished site levels; and
 - (d) The routes of any existing or proposed underground works and overhead lines, including their manner of construction.

Reason: To enhance the appearance of the proposed development. To accord with the objectives of Policy(ies) LP1, LC8, & ENV10 of the Luton Local Plan.

- (05) 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 trees, shrubs and/or hedges within the site. The safeguarding measures thereby approved shall be implemented prior to the commencement of any demolition works, removal of topsoil 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 enhance the appearance of the proposed development. To accord with the objectives of Policy(ies) LP1, LC8, & ENV10 of the Luton Local Plan.

- (06) A landscape management plan, setting out management and maintenance responsibilities for all hard and soft landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, for its permitted use. The landscape management plan shall be carried out as approved and shall remain in force for as long as the development remains in existence.

Reason: To enhance the appearance of the proposed development. To accord with the objectives of Policy(ies) LP1, LC8, & ENV10 of the Luton Local Plan.

- (07) 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 staff and customer 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) LP1, LC8 & T13 of the Luton Local Plan.

- (08) Details of the surfacing and drainage of any parking service area(s) hereby approved shall be submitted to and approved by the Local Planning Authority before the development hereby permitted is commenced. The details thereby approved shall be installed prior to the occupation of any building on the site.

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 LC8 of the Luton Local Plan.

- (09) 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 in the interests of security and the prevention of crime. To accord with the objectives of Policy(ies) LP1, LC8 and ENV9 of the Luton Local Plan.

- (10) Samples of the materials to be used in the construction of the external walls, fenestration and roofing 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, LC8 and ENV9 of the Luton Local Plan.

- (11) Full details of access and signposting to the development to meet the needs of disabled people shall be submitted to and approved by the Local Planning Authority before any work is commenced, and the approved facilities shall be provided prior to the occupation of the building(s) in accordance with B.S 5810 and thereafter permanently retained.

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, LC8 and ENV9 of the Luton Local Plan.

- (12) 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. To accord with the objectives of Policy(ies) LP1 and ENV15 of the Luton Local Plan.

- (13) 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) LP1 and ENV14 of the Luton Local Plan.

- (14) A CCTV surveillance system shall be provided 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 system shall be installed and fully operational prior to the occupation of the buildings.

Reason: To ensure a satisfactory standard of development and in the interests of security and the prevention of crime. To accord with the objectives of Policy(ies) LP1, LC8 & ENV9 of the Luton Local Plan.

- (15) Before the development hereby approved is commenced a report on the archaeological assessment of the development area should be made and approved by the Local Planning Authority setting out the management arrangement for evaluating the archaeology of the area or for holding a “watching brief” and for giving access during the development period to an appointed archaeologist to carry out archaeological investigation and recording during the course of operations on this development site.

Reason: To ensure that the Local Planning Authority can exercise its responsibility for assessing the Archaeology of the area and for recording and excavating any archaeological finds that may be found or unearthed on the development site.

- (16) Before the development hereby permitted is occupied full details of a proposed Travel to Work Plan for the application site shall be submitted to and approved by the Local Planning Authority. All requirement thereby approved shall be complied with in full by any subsequent occupier of any part of the development.

Reason: In the interest of encouraging modal shift and to prevent traffic congestion.

- (17) Notwithstanding the submitted details and unless the Local Planning Authority has indicated otherwise in writing, a scheme shall be submitted to and approved by the Local Planning Authority showing the means by which the development will incorporate renewable power generation equipment to ensure the provision through that equipment of at least 10% of the building’s predicted energy requirements. The approved scheme shall be implemented in advance of occupation of the building and shall be retained thereafter.

Reason: In the interest of sustainability and to accord with Policy U3 of the Luton Local Plan.

BACKGROUND

3. Members will recall that, at the 12th July 2006 Meeting, the initial application for this site was considered and approved (Report attached at Appendix 1). This application is a revision of that scheme, proposing the exact same building footprint, overall floor area, design and massing, but having re-modelled the front entrance and internal layout of the building, to provide an additional 12 guestrooms, increasing the room total to 157 rooms.

REPORT

Planning History

4. Planning permission was granted for the development of the Butterfield site for “a mixed use development including an innovation centre technology village, park and ride, university campus, hotel, relocated petrol filling station, cemetery extension and ancillary works” under reference 00/00573/OUT.

5. Subsequent applications have related to the submission of details for approval of reserved matters for the siting, design, external appearance and means of access of the Innovation Centre (04/01417/REM), the Park Centre and office village (04/01417/REM) and cemetery (05/00602/REM).

6. Planning permission was granted for the erection of a three-storey hotel on the site, under reference 06/00589/FUL in July of this year.

Relevant Planning Policy

7. The site is identified as an Action Area on the Proposals Map of the Luton Local Plan 2001 – 2011. The primary purpose of development of the Butterfield Area is to provide for the needs of emerging and high technology businesses.

8. The policies against which the proposals should be considered are Policies ENV9, LC8, T2, T3, T13, U2, U3 and BA1.

9. Policy ENV9 states that proposals for built development will be granted planning permission provided that they, *inter alia*, enhance the character and appearance of the area; respect the scale and proportion of existing buildings, building lines and heights within the street scene; respect or enhance other buildings, views or landmarks; and use materials that contribute to the character of the area.

10. Policy LC8 will allow development, which would increase and improve visitor accommodation, provided it does not cause an adverse impact on the surrounding development.

11. Policy T2 requires development to be well served by public transport.

12. Policy T3 seeks to minimise the effects of traffic on the public highway, and will only allow development where it would not exacerbate congestion, cause safety problems to other road users or harm to the quality of the local environment.

13. Policy T13 requires applicants to provide an appropriate level of car parking having regard to the parking standards set out in the Local Plan.

14. Policy U2 requires major new development to be refused planning permission unless it can be demonstrated that the infrastructure provision can meet the needs of the proposed development.

15. Policy U3 sets out the requirement for all new buildings to provide for renewable power generation equipment.

16. Policy BA1 offers support for development of the Action Area site, but requires safeguards such as (i) the retention of the existing landscape features, (ii) development to be at a low density with no more than 30% of the site area being occupied, (iii) development to give priority to the introduction of appropriate public transport facilities and (iv) the safeguarding of existing rights of way.

Consultations and Statutory Publicity

17. Highways Authority – Submitted details are generally satisfactory, but a detailed Travel Plan to be submitted to and approved by the Planning Authority, the Plan to be in accordance with the provisions of the previously submitted site-wide Travel Plan.

18. Police Architectural Liaison Officer - No comments received.

19. Thames Water – Recommends that the applicant consults with the Thames Water Development Control Department who will determine the ability of local sewers to dispose of foul and surface water.

20. Environment Agency – Request drainage conditions.

21. Environmental Protection (Pollution Control) - No comments to make.

22. Street Services (Waste Management) – No comments received.

23. Electricity Network - No comments received.

24. Capital and Asset Management – Fully supportive of the scheme.

25. North Herts District Council – No comments received.

26. London Luton Airport – No objections on safeguarding criteria.

27. Environment and Heritage – No comments received.

28. National Grid – No comments received.

29. Three Valleys – No comments received.

30. The application has been notified to local residents and details of the application published in the local press. 1 letter of objection has been received, which relates to the height of the development (should be 2 not 3 storeys), noise from hotel use, light pollution, visual impact and excessive use of water.

MAIN PLANNING CONSIDERATIONS

31. In view of the fact that this is a re-submission, the only considerations that Members need to take into account are the proposed alterations to the initially approved scheme, which include:-

- An altered front entrance.
- 12 additional guestrooms.
- Alterations to fenestration details.
- Alterations to layout of parking spaces.

32. The main alteration to the appearance of the building is the re-designed front entrance feature. Whilst maintaining the principle of having a projecting 'nose-cone', the design of this has been modified slightly, presumably to accommodate the redesigned internal layout. Despite the modifications being carried out to the 'nose-cone', the high quality of its appearance has not diminished in any way.

33. The redesigned internal layout has enabled the provision of twelve additional guestrooms within the same building footprint to that which was originally approved. This has been done by re-location of (most notably) the meeting/conference facilities to the ground floor, which has enabled the extension of the guestrooms into the 'nose-cone' at first and second floor levels.

34. The relocation of the rooms has resulted in a minor alteration occurring to the elevations of the building in terms of the number of windows. Notwithstanding these modifications, the changes are not considered to affect the quality of appearance that the building achieves.

35. The addition of further spaces will inevitably result in the need for further car parking provision on the site. The initial scheme made provision for 150 spaces, mostly in small courtyard style blocks of 8 spaces, with a total of 8 spaces designated for accessible use. The provision required in that instance (as per Local Plan requirements) was for 185 spaces, and the short fall of 35 spaces was deemed to be acceptable.

36. The revised layout has removed the use of the courtyards, and replaced them with more standard single parking spaces. This has allowed space for an increased number of spaces, with the provision rising to 165 spaces. This results in an increase of 15 spaces from the initial scheme, to accommodate the twelve new guestrooms proposed. As with the original application, the view is taken that, whilst the level of parking is below the maximum requirement, it is highly unlikely that traffic and parking problems will occur, having regard to the site's location adjacent to the future Park and Ride facility and to the intended Green Travel Plan for the site (see Condition 16).

Third Party Representations

37. The letter of representation received raises the same issues as were received during the consideration of the initial application. These were considered by the Committee in July and, as the new proposal does not involve a significant change to the land use or to

the scale and footprint of the building, members are advised that they need not be given significant weight in this instance.

CONCLUSIONS

38. The proposed alterations to the main building are minor in respect of what was originally approved. Notwithstanding this, the building still has the same unique appearance and will still be constructed from the same high-quality materials, which were a considerable factor of the building's overall appeal in the first place.

39. In addition to the modified building, the layout and level of car parking is considered to be acceptable, with no further highway objections being raised.

40. Similarly to the previously approved application, the proposals are compliant with the Development Plan and would provide much needed hotel accommodation within the Borough.

APPENDIX

41. Appendix 1: Committee Report of 12th July 2006 Meeting for Application No. 06/00589/FUL is attached from pages to .

LIST OF BACKGROUND PAPERS

LOCAL GOVERNMENT ACT 1972, SECTION 100D

42. Application File No. 06/01565/FUL.

43. Application File No. 06/00589/FUL.

APPENDIX 1

AGENDA ITEM

COMMITTEE: DEVELOPMENT CONTROL

DATE: 12TH JULY 2006

SUBJECT: HITCHIN ROAD. HOTEL SITE, BUTTERFIELD
BUSINESS PARK.
ERECTION OF ONE THREE STOREY 145
BEDROOM HOTEL.
(APPLICANT: OXFORD GB & BUTTERFIELD
LAND LTD) (APPLICATION NO. 06/00589/FUL).

REPORT BY: DEVELOPMENT CONTROL MANAGER

CONTACT OFFICER: DAVID HALL 546317

IMPLICATIONS:

LEGAL COMMUNITY SAFETY

EQUALITIES ENVIRONMENT

FINANCIAL CONSULTATIONS

STAFFING OTHER

WARDS AFFECTED: STOPSLEY

PURPOSE

1. To advise Members of the current application for planning permission and to seek their decision. Members will recall that their informal views were sought several months ago on the

potential acceptability of a scheme that might be higher than 2 storeys on this particular site. Members considered that this might be acceptable but that a very high quality of design would be necessary to justify departing from their original constraints on the site.

RECOMMENDATION (S)

2. That in respect of Application 06/00589/FUL, having regard to the fact that the development is considered to be in accordance with Policies ENV9, LC8, T2, T3, T13, U2, U3 and BA1 of the Adopted Local Plan, the Development Control Committee is recommended to grant planning permission 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 enhance the appearance of the proposed development. To accord with the objectives of Policy(ies) LP1, LC8 and ENV10 of the Luton Local Plan.

(03) No trees on the site shall be lopped, topped or felled without the prior approval of the Local Planning Authority, in advance of a landscaping scheme for the site being approved and that scheme shall indicate the location of all the trees existing on the land together with the species of each tree.

Reason: To enhance the appearance of the proposed development. To accord with the objectives of Policy(ies) LP1, LC8 and ENV10 of the Luton Local Plan.

(04) Prior to the commencement of any work on site an accurate survey plan to a scale of not less than 1:200 shall be submitted to and approved by the Local Planning Authority, showing:-

- (a) The position, height, species, branch spread and condition of all existing trees, shrubs and hedges both within and immediately adjoining the development site;
- (b) A clear indication of trees, shrubs and hedges to be retained and/or removed;
- (c) Existing and finished site levels; and
- (d) The routes of any existing or proposed underground works and overhead lines, including their manner of construction.

Reason: To enhance the appearance of the proposed development. To accord with the objectives of Policy(ies) LP1, LC8 and ENV10 of the Luton Local Plan.

(05) 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 trees, shrubs and/or hedges within the site. The safeguarding measures thereby approved shall be implemented prior to the commencement of any demolition works, removal of topsoil 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 enhance the appearance of the proposed development. To accord with the objectives of Policy(ies) LP1, LC8 and ENV10 of the Luton Local Plan.

(06) A landscape management plan, setting out management and maintenance responsibilities for all hard and soft landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, for its permitted use. The landscape management plan shall be carried out as approved and shall remain in force for as long as the development remains in existence.

Reason: To enhance the appearance of the proposed development. To accord with the objectives of Policy(ies) LP1, LC8 and ENV10 of the Luton Local Plan.

(07) 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 staff and customers' 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) LP1, LC8 and T13 of the Luton Local Plan.

(08) Details of the surfacing and drainage of any parking service area(s) hereby approved shall be submitted to and approved by the Local Planning Authority before the development hereby permitted is commenced. The details thereby approved shall be installed prior to the occupation of any building on the site.

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 LC8 of the Luton Local Plan.

(09) 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 in the interests of security and the prevention of crime. To accord with the objectives of Policy(ies) LP1, LC8 and ENV9 of the Luton Local Plan.

(10) Samples of the materials to be used in the construction of the external walls, fenestration and roofing 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, LC8 and ENV9 of the Luton Local Plan.

(11) Full details of access and signposting to the development to meet the needs of disabled people shall be submitted to and approved by the Local Planning Authority before any work is commenced, and the approved facilities shall be provided prior to the occupation of the building(s) in accordance with B.S. 5810 and thereafter permanently retained.

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, LC8 and ENV9 of the Luton Local Plan.

(12) 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.

(13) 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) LP1 and ENV14 of the Luton Local Plan.

(14) A CCTV surveillance system shall be provided 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 system shall be installed and fully operational prior to the occupation of the buildings.

Reason:- To ensure a satisfactory standard of development and in the interests of security and the prevention of crime. To accord with the objectives of Policy(ies) LP1, LC8 and ENV9 of the Luton Local Plan.

(15) Before the development hereby approved is commenced a report on the archaeological assessment of the development area should be made and approved by the Local Planning Authority setting out the management arrangement for evaluating the archaeology of the area or for holding a "watching brief" and for giving access during the development period to an appointed archaeologist to carry out archaeological investigation and recording during the course of operations on this development site.

Reason: To ensure that the Local Planning Authority can exercise its responsibility for assessing the archaeology of the area and for recording and excavating any archaeological finds that may be found or unearthed on the development site.

(16) Before the development hereby permitted is occupied full details of a proposed Travel to Work Plan for the application site shall be submitted to and approved by the Local Planning Authority. All requirement thereby approved shall be complied with in full by any subsequent occupier of any part of the development.

Reason: In the interest of encouraging modal shift and to prevent traffic congestion.

(17) Notwithstanding the submitted details and unless the Local Planning Authority has indicated otherwise in writing, a scheme shall be submitted to and approved by the Local Planning Authority showing the means by which the development will incorporate renewable power generation equipment to ensure the provision through that equipment of at least 10% of the

building's predicted energy requirements. The approved scheme shall be implemented in advance of occupation of the building and shall be retained thereafter.

Reason; In the interest of sustainability and to accord with Policy U3 of the Luton Local Plan.

REPORT

The Site and Surroundings

3. The application site is located at the southeast corner of the Butterfield Business Park, immediately adjacent to the access to the site. As a consequence of this location, the site has a frontage to the A505 Hitchin Road (to the south) and to the main access road into the Business Park. It has an area of 1.285 hectares.

4. The site is adjoined on its northern boundary by a proposed park and ride facility, to the west by the EEDA building, to the south (on the other side of the A505 Hitchin Road) by residential development and to the east by open countryside. The eastern perimeter of the site comprises the Borough boundary with North Hertfordshire District Council's administrative area.

5. The site is generally flat and is located on one of the main strategic routes into the Borough. The development of the site has always been considered as offering the opportunity to meet the needs of emerging and high technology businesses, and to assist in promoting the regeneration and diversification of the town's employment base.

Planning History

6. Planning permission was granted for the development of the Butterfield site for "*a mixed use development including an innovation centre technology village, park and ride, university campus, hotel, relocated petrol filling station, cemetery extension and ancillary works*" under reference 00/00573/OUT. A condition attached to the planning permission restricts the height of buildings on the whole Butterfield development to not more than 2 storeys.

7. Subsequent applications have related to the submission of details for reserved matters for the siting, design, external appearance and means of access of the Innovation Centre (04/01417/REM), the Park Centre and office village (04/01417/REM) and cemetery extension (05/00602/REM). All buildings approved to date have complied with the height restriction contained within the main outline permission.

Relevant Planning Policy

8. The site is identified as an Action Area on the Proposals Map of the Luton Local Plan 2001 – 2011. The primary purpose of development of the Butterfield Area is to provide for the needs of emerging and high technology businesses.

9. The policies against which the proposals should be considered are Policies ENV9, LC8, T2, T3, T13, U2, U3 and BA1.

10. Policy ENV9 states that proposals for built development will be granted planning permission provided that they, *inter alia*, enhance the character and appearance of the area; respect the scale and proportion of existing buildings, building lines and heights within the street scene; respect or enhance other buildings, views or landmarks; and use materials that contribute to the character of the area.

11. Policy LC8 will allow development, which would increase and improve visitor accommodation, provided it does not cause an adverse impact on the surrounding development.
12. Policy T2 requires development to be well served by public transport.
13. Policy T3 seeks to minimise the effects of traffic on the public highway, and will only allow development where it would not exacerbate congestion, cause safety problems for other road users or cause harm to the local environment.
14. Policy T13 requires applicants to provide an appropriate level of car parking having regard to the parking standards set out in the Local Plan.
15. Policy U2 requires major new development to be refused planning permission unless it can be demonstrated that the infrastructure provision can meet the needs of the proposed development.
16. Policy U3 sets out the requirement for all new buildings in excess of 1000 metres floorspace to provide at least 10% of predicted energy requirements using renewable power generation equipment.
17. Policy BA1 offers support for development of the Action Area site, but requires safeguards such as (i) the retention of the existing landscape features, (ii) development to be at a low density with no more than 30% of the site area being occupied, (iii) to give priority to the introduction of appropriate public transport facilities and (iv) to safeguard existing rights of way.

Consultations and Statutory Publicity

18. Highways – Submitted details are generally satisfactory, but a detailed Travel Plan should be submitted to and approved by the Planning Authority, the Plan to be in accordance with the provisions of the previously submitted site-wide travel plan.
19. Police Architectural Liaison Officer - No comments received.
20. Thames Water – Details of the exact size of the development, drainage plans and proposed connecting points are required.
21. Environment Agency – Standard condition required: - No objection in principle.
22. Environmental Protection (Pollution Control) - No comments to make, although the Applicant is advised to be mindful of potential noise from air handling plant on the roofs of commercial premises and from the A505.
23. Street Services (Waste Management) – No comments received.
24. Electricity Network - No comments received.
25. Capital and Asset Management – Fully supportive of the scheme.
26. North Hertfordshire District Council – No comments received.
27. London Luton Airport – No objections on safeguarding criteria.
28. Environment and Heritage – No comments received.
29. National Grid – No comments received.

30. Three Valleys – No comments received.

31. The application has been notified to local residents and details of the application published in the local press. 4 letters of objection have been received, which relate to the height of the development (should be 2, not 3 storeys in height), design, noise from hotel use, light pollution, visual impact and excessive use of water.

MAIN PLANNING CONSIDERATIONS

Suitability of the Site

32. Outline planning permission was granted for the development of the Butterfield site for a mixed use development, which included a hotel use. The Masterplan, which was the basis of the grant of planning permission for the site, allocated the site, the subject of this application, for use for hotel purposes.

33. The principle of the use of the site for hotel purposes is not one which can be challenged. The normal procedure for determining planning applications at Butterfield has been for the Applicant to submit details of the development under the terms of the outline for subsequent approval. In this case, the proposals provide for the development of the site with a 3-storey building. This would not comply with Condition 14 of the original planning permission which states, *"No building shall exceed 2 storeys in height"*. Accordingly, the proposals have been submitted as a full planning application.

34. The Applicants have indicated that the feasibility studies undertaken indicate that the size of the hotel, its market positioning and the range of facilities proposed are appropriate for this location. The proposed hotel is intended to be an internationally branded hotel in the upper 3 star market sector. To assist Members, an appropriate comparison would be with the Courtyard Hotels in the Marriott Group of hotels. The development has been assessed as being appropriate in this location to meet not only the needs of the users of Butterfield, but also the wider Luton community, including users of Luton Airport.

35. The proposed development would comprise a three-storey building, which would provide 145 guest rooms (including 8 for disabled guests), conference/meeting facilities for 150 – 175 users and gym. The applicants have indicated that, in order to attract an hotel operator at the upper end of the market, it has been necessary to propose a 3 storey building. The development would provide for 150 car parking spaces.

36. The layout of the building provides for a twin wing construction comprising a "V" shaped building with each of the sides of the "V" providing frontage elevations, one to Hitchin Road and, the other to the access road into the site. The entrance to the Hotel would be at the apex to the "V" which provides the obvious focal point of the building.

37. The hotel building would have a maximum height of 12.2 metres for a distance of 39 metres from the apex of the "V", and this includes a "porte cochere", which draws attention to and provides a focus for the entrance to the building. The height of the building then reduces to 10.7 metres for the remaining 56 metres of the wings.

38. The effect of the layout of the building is to create useable space in the void area created by the "V" arrangement. This internal layout provides an area of interest without an invasion of privacy for the guests of the hotel arising.

39. The design of the building comprises a flat roofed 3 storey structure, which on the external elevations is made up of the upper two floors being cantilevered by 600mm over the ground floor, with the effect accentuated by a 1.0 metre deep continuous aluminium canopy.

40. The separation of the ground floor element is completed with the use of pre-patinated copper, which provides the elevation with a distinct horizontal emphasis.

41. The external windows are shown as having the same surrounds as the ground floor, incorporating pre-patinated copper surrounds.

42. As has been described the entrance to the proposed hotel has been designed to provide a practical legibility to the building providing focal point for the building. To this end the apex of the building has been kept transparent, with double glazed curtain walling, which allows views into the building and gives a light visual statement, whilst nevertheless indicating the entrance to the building.

43. The internal elevations (i.e. that within the "V") are retained as a simple visual element, and it is intended that the finish will be in painted render to contrast with the natural landscaping in the internal area.

44. Turning now to the wider context of the site's location. The Butterfield Business Park is separated from the adjoining residential development to the southeast by the A505 Hitchin Road. The dual carriageway provides a very real visual separation between the Business Park and the residential development. This arrangement is complemented by the fact that the proposed building would be set back from the site perimeter by a maximum of 30 metres reducing to 20 metres. This layout allows both the car parking and the proposed hotel building to be accommodated behind areas which have the potential for landscaping. Furthermore, the presence of the proposed hotel building will help to reduce the visual impact of the substantial car parking area which will comprise the Park and Ride development to the north of the application site.

45. It is concluded that the proposed development will comply with Policy LC8 and will not appear as a visually intrusive feature either in the parkland setting of the Butterfield Business Park, or when viewed from the residential development to the south or the open countryside beyond.

Car Parking and Highways

46. The application proposes the provision of 150 car parking spaces, and includes 8 car parking spaces designated for accessible use. The car parking standards in the Local Plan set out a maximum level of provision of 1 space per bedroom plus appropriate standards for ancillary uses and 1 space for 2 full time equivalent staff.

47. On the basis of these maximum standards there would be the following requirements:-

145 Rooms (1 space per guest room)	- 145 spaces
------------------------------------	--------------

Conference/Meeting facility (1 space per 5 delegates), (although it is intended that the facility will be mainly available for guests)	- 30 spaces
---	-------------

Gym (residents only)	- 0 spaces
----------------------	------------

Staff (20 F/T and 40 P/T)	- 10 spaces
---------------------------	-------------

Total	- 185 spaces
-------	--------------

Whilst this level of car parking is below the maximum requirement by 35 spaces, it is highly unlikely that traffic and parking problems would occur, having regard to the site's location adjacent to the future Park and Ride facility and to the intended Green Travel Plan for the site (see Condition 16).

48. There are no comments from the Highway Authority in respect of the matter of highway congestion. In consequence the proposed development complies with Policies T3 and it is considered that the development would comply with Policy T13.

Other Material Considerations

49. Since the proposed development is one of the elements contained within the Master Plan for the development of Butterfield Park the issue of infrastructure does not apply. The proposed development is not in conflict with Policy U2.

50. The Applicant has set out in the accompanying "Planning Application Design Statement" a list of measures to comply with Policy U3.

51. Policy BA1 requires the retention of existing landscape features. Since this matter is being addressed by a full application, it will be necessary to deal with the landscaping issues by condition. The same policy also requires that no more than 30% of the site area should be covered. The proposed development covers 22% of the site. Finally, the development of the site would not affect any rights of way. The proposed development is in accordance with Policy BA1.

Third Party Representations

52. The matters raised by local residents have in the main been addressed. However, residents have raised the issues of noise, light pollution and excessive use of water.

53. The hotel is set some distance from the residential dwellings. This fact, together with the landscaping and visual barrier of the A505, is sufficient to ensure that there would be no material noise impact on local residents from general activity at the hotel.

54. The matter of the external lighting arrangements for the site can be addressed by a condition, which will allow such matters to be assessed. In so far as the internal lighting is concerned, this is a matter covered by the Building Regulations.

55. Thames Water have not raised any objections to the proposals in respect of the issue of water, and it is a fact that the principle of the use of the site for an hotel has been established.

CONCLUSIONS

56. The principle of the development of this site for an hotel is acceptable. The scale of the development, when considered in the context of the design will not harm the overall strategy for development of the Butterfield Area. The restriction in the outline permission to 2 stories has to be seen in the context of other factors such as the need to make a positive design contribution and the need to attract a better quality hotel operator than might be the case otherwise.

57. The level of car parking is appropriate, and there are no highway objections.

58. The proposals are compliant with the Development Plan. The proposed development would provide much needed hotel accommodation within the Borough.

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

- 59. Luton Local Plan.
- 60. Copy of the Masterplan for the Butterfield Business Park.