

NOTICE OF MEETING

COMMITTEE : DEVELOPMENT CONTROL COMMITTEE

DATE : WEDNESDAY, 21 JANUARY 2015

TIME : 18:00

**PLACE : COMMITTEE ROOM 3
TOWN HALL, LUTON, LU1 2BQ**

COUNCILLORS :	LEWIS (CHAIR)	HUSSAIN
	RIAZ (VICE CHAIR)	MALCOLM
	CASTLEMAN	O'CALLAGHAN
	CAMPBELL	RIVERS
	DOLLING	WHITTAKER
	FRANKS	

QUORUM : 3 MEMBERS

Contact Officer: [Bert Siong] (01582 546781)

INFORMATION FOR THE PUBLIC


PURPOSE: This Committee determines applications for planning permission; applications for consent to the display of advertisements; and applications for Hazardous Substances Consent. It also has authority to authorise action in respect of any breach of planning control


This meeting is open to the public and you are welcome to attend.

For further information, or to see the papers, please contact us at the Town Hall:

IN PERSON, 9 am to 5 pm, Monday to Friday, or

CALL the Contact Officer (shown above).

An induction loop  facility is available for meetings held in Committee Room 3.

Arrangements can be made for access to meetings for  disabled people.

If you would like us to arrange this for you, please call the Contact Officer (shown above).

AGENDA

<i>Agenda Item</i>	<i>Subject</i>	<i>Page No.</i>
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EMERGENCY EVACUATION PROCEDURE

Committee Rooms 1, 2, 4 & Council Chamber:

Turn left, follow the green emergency exit signs to the main town hall entrance and proceed to the assembly point at St George's Square.

Committee Room 3:

Proceed straight ahead through the double doors, follow the green emergency exit signs to the main Town Hall entrance and proceed to the assembly point at St George's Square.

1	APOLOGIES FOR ABSENCE	
2	MINUTES	
2.1	Minutes 3rd December 2014	4 - 41
3	SECTION 106, LOCAL GOVERNMENT FINANCE ACT 1992 Those item(s) on the Agenda affected by Section 106 of the Local Government Finance Act 1992 will be identified at the meeting. Any Members so affected is reminded that (s)he should disclose the fact and refrain from voting on those item(s).	
4	DISCLOSURES OF INTEREST Members are reminded that they must disclose both the existence and nature of any disclosable pecuniary interest and any personal interest that they have in any matter to be considered at the meeting unless the interest is a sensitive interest in which event they need not disclose the nature of the interest. A member with a disclosable pecuniary interest must not further participate in any discussion of, vote on, or take any executive steps in relation to the item of business. A member with a personal interest, which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgment of the public interest, must similarly not participate in any discussion of, vote on, or take any executive steps in relation to the item of business. Disclosable pecuniary interests and Personal Interests are defined in the Council's Code of Conduct for Members and Co-opted members.	

The Chair to report on any business which is considered to be urgent and which should be discussed at the meeting in accordance with Section 100B(4)(b) of the Local Government Act 1972 and to determine when, during the meeting, any such business should be discussed.

SERVICE ISSUES

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DEVELOPMENT CONTROL COMMITTEE

3RD DECEMBER 2014 at 6.00 p.m.

PRESENT: Councillor Lewis (Chair); Councillors: Campbell, Dolling, Malcolm, O'Callaghan, Rivers, Riaz and Whittaker.

58. APOLOGIES (REF: 1)

Apologies for absence from the meeting were received on behalf of Councillors Franks, and Hussain.

59. MINUTES (REF: 2)

Resolved: That the Minutes of the meeting of the Committee held on 5th November 2014, be taken as read, approved as a correct record and signed by the Chair.

60. SCALE OF CHARGES – (INFORMATION ITEM ONLY) (REF: 7)

The Development Control Committee considered the report of the Head of Corporate Finance for the approval of the proposed scale of charges relating to development control, which would apply from 1st January, 2015.

Resolved: That the proposed Scale of Charges to apply from 1st January 2015 be approved.

61. STOPSLEY DAY CENTRE NO 562 HITCHIN ROAD (REF: 8)

The Development Control Manager reported on Application No. 14/01134/FUL, submitted by Fixed Assets Division, Luton Borough Council, for the erection of a new two storey day care centre and a new respite centre together with associated parking and landscaping at the Stopsley Day Centre, 562 Hitchin Road, Luton.

She further reported on 3 letters of representation received in objection to the development.

The Chair formally moved the Recommendation as contained in the report and it was agreed by all Members present.

Resolved: That Application No: 14/01134/FUL be approved 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) The development hereby permitted shall not be carried out other than in complete accordance with the approved plans and specifications as set out on Luton Borough Council plan numbers 01, 02, 03, 04, 09, 10, 11 and 12. (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 LC4 of the Luton Local Plan).
- (03) 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 and ENV10 of the Luton Local Plan).
- (04) A management plan, including management responsibilities and maintenance schedules, for all external and shared/common 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 enhance the appearance of the proposed development. To accord with the objectives of Policy(ies) of the Luton Local Plan).
- (05) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: i). Operating hours. No demolition, construction or contaminated land remediation activities, movement of traffic, or deliveries to and from the premises, shall occur other than within the hours agreed with the Local Planning Authority. Any proposed extension to these agreed hours, other than for emergency works, shall be agreed with the Local Planning Authority before work commences; ii) the parking of vehicles of site operatives and visitors; iii). loading and unloading of plant and materials; iv). storage of plant and materials used in constructing the development; v). the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where

appropriate; vi). wheel washing facilities; vii). measures to control the emission of dust and dirt during construction; viii). a method statement detailing how existing buildings will be demolished and how waste resulting from demolition and construction works will be recycled/disposed of. (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 LC4 of the Luton Local Plan).

- (06) 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 visitor's 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 and T3 of the Luton Local Plan).
- (07) No external lighting shall be installed on the site, other than in accordance with a scheme to be submitted to and approved by the Local Planning Authority beforehand. The scheme, lighting equipment and levels of illumination shall comply with guidance issued by the Institution of Lighting Engineers in their publication "The ILE Outdoor Lighting Guide" and shall be accompanied by a statement from the developer confirming that compliance. The scheme shall thereafter be retained and maintained for so long as the development remains in existence and shall not be varied without the prior written permission of 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 ENV9 of the Luton Local Plan).
- (08) Notwithstanding the submitted plans, triangular pedestrian safety visibility splay(s) of 1.8 metres x 1.8 metres shall be provided on each side of the vehicle access points to the site. The splay(s) shall be positioned within the site at right angles to the highway (measured at the highway/site boundary). The visibility splay(s) so described shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the existing ground level. (Reason: In the interests of highway and pedestrian safety. To accord with the objectives of Policy(ies) LP1 and T3 of the Luton Local Plan).
- (09) Notwithstanding the submitted plans, full details of the proposed bin and cycle stores shall be submitted to and approved by the Local Planning Authority before the development hereby approved 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, ENV9 and T8 of the Luton Local Plan).
- (10) Before the development hereby approved is commenced, a scheme providing for an updated integrated package of transportation measures to accord with the principles set out in current guidance to reduce car travel

to the site shall be submitted to the Local Planning Authority for approval and in consultation with the Local Highway Authority, and the details thereby approved shall be implemented prior to the use of the parking area to which this permission refers. (Reason: In the interests of sustainability and encouraging reduced car travel. To accord with the objectives of Policies LP1, T2, T3 and T8 of the Luton Local Plan).

- (11) A scheme for the monitoring of the updated Travel Plan referred to in condition 10 of this permission shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. (Reason: In the interests of sustainability and encouraging reduced car travel. To accord with the objectives of Policies LP1, T2, T3 and T8 of the Luton Local Plan).
- (12) 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) LP1, H2 and ENV9 of the Luton Local Plan).
- (13) Samples of the materials to be used in the construction of the external elevations and roofs of the new buildings 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 and ENV9 of the Luton Local Plan).
- (14) Notwithstanding the provisions of Section 55 of the Town and Country Planning act 1990 or of the Town and Country Planning (General Development) Order, 1995, (or any Order revoking and re-enacting that order with or without modification) no first floor openings shall be fitted in the southern elevation of the Respite Care building hereby approved, without the prior permission of the Local Planning Authority. (Reason: To protect the amenities of neighbouring properties. To accord with the objectives of Policy(ies) LP1 and LC4 of the Luton Local Plan).
- (15) Prior to the commencement of development, details of a scheme for renewable energy production equipment to provide at least 10% of the predicted energy requirements of the development shall be submitted to and approved by the Local Planning Authority, unless it can be demonstrated that there are overwhelming practical reasons why this is not appropriate. The scheme thereby approved shall be installed before first occupation or in accordance with a timetable agreed in writing by the Local Planning Authority and shall be used, retained and maintained thereafter for so long as the development remains in existence. (Reason: In the interests of sustainability. To accord with the objectives of Policy(ies) U3 of the Luton Local Plan).

- (16) The site layout, internal design and building specifications of the proposed development shall be such that the ambient noise level within the development when unoccupied shall not exceed 40DBLAeq (daytime: 07:00-23:00) and 30DBLAeq or 45 DBLAmax (night time: 23:00- 07:00) and details of noise insulation measures shall be submitted to and approved by the Local Planning Authority before any work is commenced. The approved insulation scheme shall be completed prior to the occupation of the development. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the future users of the site. To accord with the objectives of Policies LP1 and LC4 of the Luton Local Plan).
- (17) The cumulative noise from all operational plant, measured 1m from the nearest neighbouring residential facade, shall not exceed 10 dBLAeq (t) above the existing background noise level. (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 LC4 of the Luton Local Plan).
- (18) 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 groundwater. To accord with the objectives of Policy(ies) LP1 and ENV14 of the Luton Local Plan).
- (19) Pursuant to the satisfactory discharge of Condition 18 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 Environmental Health Service beforehand and the investigation shall be undertaken prior to the commencement of the development. (Reason: To prevent pollution of groundwater. To accord with the objectives of Policy(ies) LP1 and ENV14 of the Luton Local Plan).
- (20) Subject to the result of the studies required by Conditions 18 and 19, 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 groundwater. To

accord with the objectives of Policy(ies) LP1 and ENV14 of the Luton Local Plan).

- (21) The development hereby approved shall not be commenced until the necessary off-site highway works required to the nearby footpaths and crossovers and to include extension of single yellow line controls made necessary as a result of the development have either been installed or programmed for installation, at the developer's expense, in accordance with a timetable agreed with the Council's Highway Development Manager. Written notification of the completion of the required works shall be provided to the Local Planning Authority before the development hereby approved is occupied. (Reason: In the interests of effective traffic management in the surrounding area and to accord with policies LP1 and T3 of the Luton Local Plan).
- (22) 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 Policies LP1 and ENV14 of the Luton Local Plan).

62. FORMER HIGHTOWN RECREATION CENTRE OLD BEDFORD ROAD (REF: 9)

The Development Control Manager reported on Application No. 14/01145/FUL, submitted by QSH & Cheyne for the erection of 80 one and two bedroom affordable residential unit in respect of Former High Town Recreation Centre Old Bedford Road, Luton.

She further reported that one letter of representation from a neighbouring dwelling was received with comments about exposing the boundaries to public areas which up until now have been secured.

The Chair formally moved the Recommendation as contained in the report and it was agreed by all Members present.

Resolved: That Application No: 14/01145/FUL be approved subject to the satisfactory completion of S106 of a legal agreement to secure financial contributions for improvements to education and waste management and 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) The development hereby permitted shall not be carried out other than in complete accordance with the approved plans and specifications as set out on Luton Borough Council plan numbers 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 13, 14, 15, 19, 20, 21, 22, 23, and 24. (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, ENV9, ENV10, H2 and U3 of the Luton Local Plan).
- (03) Before the development is commenced a scheme for the provision of affordable housing as part of the development shall be submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:- (i) The numbers, type and location of the units of the affordable housing provision to be made; (ii) The timing and the construction of the affordable housing; (iii) The arrangements to ensure that such provision are affordable for both initial and subsequent occupiers of the affordable housing; (iv) The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing ; (v) The means by which the scheme shall be enforced, including any necessary legal agreement if appropriate. Affordable housing provided in accordance with this condition shall be in the "social rented" sector to meet identified local housing needs unless the developer is able to demonstrate to the satisfaction of the Local Planning Authority that social rented accommodation is not appropriate on the site, in which case the affordable housing shall be provided as a combination of low-cost housing and shared ownership or, as a last resort, in the form of a commuted payment to enable the provision to be off-site. (Reason: To ensure that provision is made for affordable housing in accordance with Policies H5 and H6 of the Luton Local Plan).
- (04) A Final Landscaping Specification for all areas of planting, to include species which have been previously agreed with the Local Planning Authority, shall be submitted to and approved by the Local Planning Authority before any landscaping work commences. All areas of soft landscaping shall be carried out during the planting season immediately following the completion of the approved works in the locations identified in the approved specification. If within a period of five years from the initial date of planting of the trees, any is removed, uprooted, destroyed or dies, or becomes in the opinion of the Local Planning Authority, seriously damaged, diseased or defective, another tree 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: In the interests of visual amenity. To accord with the objectives of Policy(ies) LP1 and ENV10 of the Luton Local Plan).
- (05) Before any building or engineering works are commenced on site the existing trees, shrubs and/or hedges to be retained shall be safeguarded against damage or injury by the erection of fencing or other suitable protection at a distance of not less than that recommended by

BS5837:2012 from the tree trunk(s) or shrubs or hedging, and no plant, materials or other objects shall be stored or placed against any of the trees, shrubs or hedges. (Reason: To safeguard the existing trees, shrubs and/or hedges on the site. To accord with the objectives of Policy(ies) LP1 and ENV10 of the Luton Local Plan).

- (06) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with 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, ENV9 and ENV10 of the Luton Local Plan).
- (07) 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 safeguard the existing trees, shrubs and/or hedges on the site. To accord with the objectives of Policy(ies) LP1 and ENV10 of the Luton Local Plan).
- (08) A management plan, including management responsibilities and maintenance schedules, for all external and shared/common areas and parking 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) LP1 and H2 of the Luton Local Plan).
- (09) 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 Policies LP1 and ENV14 of the Luton Local Plan).
- (10) No external lighting shall be installed on the site, other than in accordance with a scheme to be submitted to and approved by the Local Planning Authority beforehand. The scheme, lighting equipment and levels of illumination shall comply with guidance issued by the Institution of Lighting Engineers in their publication "The ILE Outdoor Lighting Guide" and shall be accompanied by a statement from the developer confirming that compliance. The scheme shall thereafter be retained and maintained for so long as the development remains in existence and shall not be varied without the prior written permission of 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 ENV9 of the Luton Local Plan).

- (11) Before the development hereby approved is commenced, a scheme providing for an updated integrated package of transportation measures to accord with the principles set out in current guidance to reduce car travel to the site shall be submitted to the Local Planning Authority for approval and in consultation with the Local Highway Authority, and the details thereby approved shall be implemented prior to the use of the parking area to which this permission refers. (Reason: In the interests of sustainability and encouraging reduced car travel. To accord with the objectives of Policies LP1, T2, T3 and T8 of the Luton Local Plan).
- (12) A scheme for the monitoring of the updated Travel Plan referred to in condition 11 of this permission shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. (Reason: In the interests of sustainability and encouraging reduced car travel. To accord with the objectives of Policies LP1, T2, T3 and T8 of the Luton Local Plan).
- (13) 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) LP1, ENV9 and H2 of the Luton Local Plan).
- (14) Prior to the first occupation of the development hereby approved, a scheme to provide site security shall be installed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented in full and retained and maintained thereafter for so long as the development remains in existence. (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 and ENV9 of the Luton Local Plan).
- (15) Prior to the commencement of development, details of a scheme for renewable energy production equipment to provide at least 10% of the predicted energy requirements of the development shall be submitted to and approved by the Local Planning Authority, unless it can be demonstrated that there are overwhelming practical reasons why this is not appropriate. The scheme thereby approved shall be installed before first occupation or in accordance with a timetable agreed in writing by the Local Planning Authority and shall be used, retained and maintained thereafter for so long as the development remains in existence. (Reason: In the interests of sustainability. To accord with the objectives of Policy(ies) U3 of the Luton Local Plan).

- (16) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: (i) Operating hours No demolition, construction or contaminated land remediation activities, movement of traffic, or deliveries to and from the premises, shall occur other than within the hours agreed with the Local Planning Authority. Any proposed extension to these agreed hours, other than for emergency works, shall be agreed with the Local Planning Authority before work commences; (ii) the parking of vehicles of site operatives and visitors; (iii) loading and unloading of plant and materials; (iv) storage of plant and materials used in constructing the development; (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (vi) wheel washing facilities; (vii) measures to control the emission of dust and dirt during construction; (viii) a scheme for recycling/disposing of waste resulting from demolition and construction works. (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 of the Luton Local Plan).
- (17) No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority: 1) A site investigation scheme, based on previously submitted phase 1 desk study (Ian Farmer Associates Ref. 51026 dated November 2007) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. 2) The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved. (Reason: To prevent pollution of groundwater. To accord with the objectives of Policy(ies) LP1 and ENV14 of the Luton Local Plan).
- (18) No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to

demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved. (Reason: To prevent pollution of groundwater. To accord with the objectives of Policy(ies) LP1 and ENV14 of the Luton Local Plan).

- (19) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved. (Reason: To prevent pollution of groundwater. To accord with the objectives of Policy(ies) LP1 and ENV14 of the Luton Local Plan).
- (20) No infiltration of surface water drainage into the ground at this site is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details. (Reason: To prevent pollution of groundwater. To accord with the objectives of Policy(ies) LP1 and ENV14 of the Luton Local Plan).
- (21) No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. (Reason: To prevent pollution of groundwater and to safeguard the local underground sewerage utility infrastructure. To comply with policies LP1 and ENV14 of the Luton Local Plan).
- (22) Full details of the design and construction of the access road into the site shall be submitted to and approved by the Local Planning Authority before the development is commenced. The scheme as approved shall be implemented in full and retained and maintained thereafter for so long as the development remains in existence. (Reason: To ensure a satisfactory standard of development. To accord with policies LP1 and T3 of the Luton Local Plan).
- (23) Details of a controlled gated pedestrian access onto Coupees Path shall be submitted to and approved in writing by the Local Planning Authority.

The details as approved shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority. (Reason: In the interests of sustainability and encouraging reduced car travel. To accord with the objectives of Policies LP1 and T3 of the Luton Local Plan).

63. LAND AT SCOTT ROAD (REF: 10)

The Development Control Manager reported on Application No. 14/00849/FUL, submitted by Forte Development Ltd, for the erection of Foodstore Together with Landscaping and Associated works in respect of Land at Scott Road, Luton.

She further reported that 158 representations have been received with 148 in favour of the proposals and 9 in objection to the proposal. She reported that one letter of representation was neither for nor against.

Members of the Committee had earlier on visited the application site.

In accordance with the Council's Right to Speak Policy, the Applicant's Agent and a resident spoke in support of the application. Two objectors also addressed the Committee.

Councillor Knight addressed the Committee in his capacity as Ward Councillor objecting to the proposal.

A petition containing six hundred and eleven signatures opposing to the development was also received.

The Chair formally moved the Recommendation as contained in the report and it was agreed.

Resolved: That Application No: 14/00849/FUL be approved 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) The development hereby permitted shall not be carried out other than in complete accordance with the approved plans and specifications as set out on Luton Borough Council plan numbers 01, 02, 03, 04, 07, 08, 09, 10, 11, 13, 14, 15, 16, 17, 18, 19 and 20. (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, ENV9, S1 and T3 of the Luton Local Plan).

- (03) 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 and ENV10 of the Luton Local Plan).
- (04) 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 and ENV10 of the Luton Local Plan).
- (05) 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 Policies LP1 and ENV14 of the Luton Local Plan).
- (06) No external lighting shall be installed on the site, other than in accordance with a scheme to be submitted to and approved by the Local Planning Authority beforehand. The scheme, lighting equipment and levels of illumination shall comply with guidance issued by the Institution of Lighting Engineers in their publication "The ILE Outdoor Lighting Guide" and shall be accompanied by a statement from the developer confirming that compliance. The scheme shall thereafter be retained and maintained for so long as the development remains in existence and shall not be varied without the prior written permission of 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 ENV9 of the Luton Local Plan).
- (07) 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 and ENV9 of the Luton Local Plan).

- (08) The retail store shall not be open for sales before 0800 hours and after 2200 hours on Mondays to Saturdays, and before 1000 hours and after 1600 hours on Sundays and Bank Holidays. (Reason: To protect the amenities of neighbouring properties. To accord with the objectives of Policy(ies) LP1 and S1 of the Luton Local Plan).
- (09) The development shall not be brought into use until a service management plan detailing the servicing arrangements has been submitted to and approved in writing by the Local Planning Authority. The use shall thereafter be operated in accordance with the approved plan, unless otherwise agreed in writing by the Local Planning Authority. (Reason: To avoid the creation of traffic congestion on the highway in the interests of safety and convenience of pedestrians and other road users. To accord with the objectives of Policy(ies) LP1 and T3 of the Luton Local Plan).
- (10) Notwithstanding the submitted plans, triangular pedestrian safety visibility splay(s) of 1.8 metres x 1.8 metres shall be provided on each side of the vehicle access points to the site. The splay(s) shall be positioned within the site at right angles to the highway (measured at the highway/site boundary). The visibility splay(s) so described shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the existing ground level. (Reason: In the interests of highway and pedestrian safety. To accord with the objectives of Policy(ies) LP1 and T3 of the Luton Local Plan).
- (11) The site layout, internal design and building specifications of the proposed development shall be such that the noise level within any nearby residential unit with windows opened shall not exceed 40DBLAeq (daytime: 07:00-23:00) and 30DBLAeq or 45 DBLAmx (night time: 23:00-07:00) and details of noise insulation measures shall be submitted to and approved by the Local Planning Authority before any work is commenced. The approved insulation scheme shall be completed prior to the occupation of the development. (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 ENV9 of the Luton Local Plan).
- (12) Samples of the materials to be used in the construction of the elevations and roofs of the new store 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 and ENV9 of the Luton Local Plan).

- (13) Prior to the commencement of development, details of a scheme for renewable energy production equipment to provide at least 10% of the predicted energy requirements of the development shall be submitted to and approved by the Local Planning Authority, unless it can be demonstrated that there are overwhelming practical reasons why this is not appropriate. The scheme thereby approved shall be installed before first occupation or in accordance with a timetable agreed in writing by the Local Planning Authority and shall be used, retained and maintained thereafter for so long as the development remains in existence. (Reason: In the interests of sustainability. To accord with the objectives of Policy(ies) LP1 and U3 of the Luton Local Plan).
- (14) 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 ENV9 of the Luton Local Plan).
- (15) Details of the provisions within the car parking layout of a minimum of 5 designated motor cycle parking spaces shall be submitted to and approved by the Local Planning Authority. The details as approved shall be implemented in full prior to the operation of the development hereby approved. (Reason: In the interests of sustainability facilitate designated parking provision for all modes of transport. To accord with the objectives of Policies PL1 and T3 of the Luton Local Plan).

64. WIGMORE PRIMARY SCHOOL – TWYFORD DRIVE (REF: 11)

The Development Control Manager reported on Application No. 14/01176/REG3, submitted in respect of Wigmore Primary School, Twyford Drive for the erection of nine new classrooms, relocation of three mobile units and removal of three mobile units together with external works to improve key stage 2 playground facilities (Wigmore Expansion), and the erection of a two storey special school block with 14 classrooms and associated works in respect of Richmond Hill Special School, Luton.

She further reported on 3 letters of representation received in objection to the development.

In accordance with the Council's Right to Speak Policy, Councillor Moles addressed the Committee in her capacity as Ward Councillor objecting to the development.

The Chair formally moved the Recommendation as contained in the report and it was agreed.

Resolved: That Application No: 14/01176/REG3 be approved 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) The development hereby permitted shall not be carried out other than in complete accordance with the approved plans and specifications as set out on Luton Borough Council plan numbers 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21. (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, ENV9, ENV10, ENV14, LC4, T3, T13 and U3 of the Luton Local Plan).
- (03) 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 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 ENV10 of the Luton Local Plan).
- (04) 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 prevent the increased risk of flooding and to prevent pollution of the water environment. To accord with the objectives of Policy(ies) LP1 and ENV14 of the Luton Local Plan).
- (05) No external lighting shall be installed on the site, other than in accordance with a scheme to be submitted to and approved by the Local Planning Authority beforehand. The scheme, lighting equipment and levels of illumination shall comply with guidance issued by the Institution of Lighting Engineers in their publication "The ILE Outdoor Lighting Guide" and shall be accompanied by a statement from the developer confirming that

compliance. The scheme shall thereafter be retained and maintained for so long as the development remains in existence and shall not be varied without the prior written permission of 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 ENV9 of the Luton Local Plan).

- (06) No alterations to the external appearance of the building(s), other than any alterations approved under this permission, shall be carried out without the prior permission of the Local Planning Authority. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policy(ies) LP1 AND ENV9 of the Luton Local Plan).
- (07) Full details of the materials to be used in the construction of the elevations of the buildings 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 and ENV9 of the Luton Local Plan).
- (08) Prior to the commencement of development, details of a scheme for renewable energy production equipment to provide at least 10% of the predicted energy requirements of the development shall be submitted to and approved by the Local Planning Authority, unless it can be demonstrated that there are overwhelming practical reasons why this is not appropriate. The scheme thereby approved shall be installed before first occupation or in accordance with a timetable agreed in writing by the Local Planning Authority and shall be used, retained and maintained thereafter for so long as the development remains in existence. (Reason: In the interests of sustainability. To accord with the objectives of Policy(ies) LP1, ENV9 and U3 of the Luton Local Plan).
- (09) A CCTV surveillance system shall be provided in accordance with a scheme to be submitted to and approved by the local planning authority before first occupation of any extension hereby permitted and the approved system shall be installed and fully operational prior to the final occupation of the extensions hereby permitted. (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 policies LP1 and ENV9 of the Luton Local Plan).
- (10) The boundary treatment hereby approved shall be erected prior to the occupation of the building(s) hereby permitted. (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 ENV9 of the Luton Local Plan).
- (11) The scheme shall make provision for dustbin/enclosed refuse collection area(s) to be sited at a distance of not more than 20 metre(s) from an

adopted highway, which 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 ENV9 of the Luton Local Plan).

- (12) The development hereby approved shall not be commenced until the necessary off-site highway works required as a result of the development have either been installed or programmed for installation, at the developer's expense, in accordance with a timetable agreed with the Council's Highway Development Manager. Written notification of the completion of the required works shall be provided to the Local Planning Authority before the extension hereby approved is occupied. (Reason: in the interests of effective traffic management in the surrounding area and to accord with Policies LP1 and T3 of the Luton Local Plan).
- (13) The first floor window(s) in the Eastern elevation of the Richmond Hill extension shall be of a fixed type except at top vent level and glazed with obscure glass for so long as the development hereby permitted remains in existence. (Reason: To protect the amenities of neighbouring properties. To accord with the objectives of Policy(ies) LP1 and ENV9 of the Luton Local Plan).
- (14) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: (i) Operating hours No demolition, construction or contaminated land remediation activities, movement of traffic, or deliveries to and from the premises, shall occur other than within the hours agreed with the Local Planning Authority. Any proposed extension to these agreed hours, other than for emergency works, shall be agreed with the Local Planning Authority before work commences; (ii) the parking of vehicles of site operatives and visitors; (iii) loading and unloading of plant and materials; (iv) storage of plant and materials used in constructing the development; (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (vi) wheel washing facilities; (vii) measures to control the emission of dust and dirt during construction; (viii) a scheme for recycling/disposing of waste resulting from demolition and construction works. (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 ENV9 of the Luton Local Plan).
- (15) A scheme for providing for an integrated package of transportation measures, including measures to manage on-street parking and provision of a secure bicycle store, and details to monitor the implementation of the scheme, to accord with the principles set out in current guidance to reduce car travel to both sites, shall be submitted to the Local Planning Authority for approval in consultation with the Council's Highways Development

Manager. The scheme shall be implemented in accordance with the approved details. (Reason: In the interests of sustainability and reduced car travel. To accord with the objectives of Policies LP1 and T3 of the Luton Local Plan).

- (16) Before any building or engineering works are commenced on site the existing trees, shrubs and/or hedges to be retained shall be safeguarded against damage or injury by the erection of fencing or other suitable protection at a distance of not less than 6meter (s) from the tree trunk(s) or shrubs or hedging, and no plant, materials or other objects shall be stored or placed against any of the trees, shrubs or hedges. (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 ENV10 of the Luton Local Plan).
- (17) Any floodlights should not be operated outside the following hours: Mondays to Thursdays, 7.30am to 9.30pm; Fridays, 7.30am to 7.00pm; Saturdays, 9.00am to 7.00pm; Sundays and Bank Holidays, 10.00am to 5.30pm. The scheme shall be retained and maintained for so long as the development remains in existence and shall not be varied without the prior written permission of 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 ENV10 of the Luton Local Plan).
- (18) 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 groundwater. To accord with the objectives of Policy(ies) LP1 and ENV14 of the Luton Local Plan).
- (19) Pursuant to the satisfactory discharge of Condition 18 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 Environmental Health Service beforehand and the investigation shall be undertaken prior to the commencement of the development. (Reason: To prevent pollution of groundwater. To accord with the objectives of Policy(ies) LP1 and ENV14 of the Luton Local Plan).
- (20) Subject to the result of the studies required by Conditions 18 and 19, 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 groundwater. To accord with the objectives of Policy(ies) LP1 and ENV14 of the Luton Local Plan).

- (21) No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the site hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local surface water run off generated up to and including the 100 year critical storm will not exceed the run-off from the underdeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. (Reason: To ensure a satisfactory surface water drainage system is provided within the site. To accord with Policies LP1 and ENV14 of the Luton Local Plan).
- (22) The applicant will need to demonstrate that, activities on the hard play area shall not cause the sound level in terms of LAeq (5min) to exceed 40dB in any living or sleeping rooms of adjacent properties and 53dB in any gardens of adjacent properties or in terms of LAm_{ax} to exceed 65dB. Details of noise limitation measures to comply with these requirements should be submitted to and approved by the Local Planning Authority before any work is commenced. (Reason: To protect the amenities of neighbouring properties. To accord with the objectives of Policy(ies) LP1 and ENV9 of the Luton Local Plan).
- (23) Prior to first occupation of the development, an agreement for the community use of the Wigmore Primary School and Richmond Hill Primary School's sports facilities (including the school hall, hard play areas and playing field) will be submitted to and approved by the Local Planning Authority in consultation with Sport England. The agreement will be implemented upon completion of the development. (Reason: To secure well managed safe community access to the sports facilities, to ensure sufficient benefit to the development of sport and to accord with Policies LP1 and LC4 of the Luton Local Plan).
- (24) No development shall commence until a detailed playing field works specification (including a long term maintenance programme and implementation programme), for Wigmore Primary School is prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority. The approved specification shall be complied with in full prior to the completion of the development unless otherwise agreed with the Local Planning Authority. (Reason: To ensure provision of adequate improvements to the quality of the playing field and to accord with Policies LP1, ENV9 and LC4 of the Luton Local Plan).

- (25) No development shall commence until details of the design and layout of the existing and proposed hard play areas for both Wigmore Primary and Richmond Hill schools including an implementation programme have been submitted to and approved in writing by the Local Planning Authority in consultation with Sport England]. The new and enhanced hard play areas shall not be constructed other than substantially in accordance with the approved details. (Reason: To ensure the development is fit for purpose and sustainable and to accord with Policies LP1, ENV9 and LC4 of the Luton Local Plan).
- (26) No development shall commence until details of the design and layout of the Richmond Hill School Sports Hall have been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The Richmond Hill Sports Hall shall not be constructed other than substantially in accordance with the approved details. (Reason: To ensure the development is fit for purpose and sustainable and to accord with Policies LP1, ENV9 and LC4 of the Luton Local Plan).

65 DEPOSITED PLANS AND APPLICATIONS FOR PLANNING PERMISSION AND OTHER PROPOSALS (REFS: 12.1 to 12.6)

The Development Control Manager and Planning Officer reported on certain applications for planning permission. They also reported on representations of objection or support to the grant of planning permission referred to below, which were made available to the Committee. Also detailed below are those Applications where the Applicant (A) and/or Objector (O) addressed the Committee under the Council's Right to Speak Policy.

Members of the Committee had earlier on visited a number of the application sites.

Application No.	Number of representations Objection / Support	Right to Speak
14/01085/FUL	1 letter of objection received	
14/00138/FUL	3 letters of objection received 1 letter in support A petition containing 383 signatures in objection	O
14/00927/FUL	1 Representation received in objection 1 Representation received in support	
14/00840/FUL	6 written objection received Councillor Garrett spoke in his capacity as a Ward Councillor in objection to the proposal.	O

- 14/01144/FUL 26 letters of Representation received in objection
Councillor Taylor spoke in his capacity as a Ward Councillor
in objection to the proposal.
- 14/00998/FUL 5 letters of objection received

Resolved: (i) That the Applications detailed in Schedule 'A (1)' to these Minutes be **APPROVED** subject to compliance with the conditions stated therein.

(ii) That Application No. 14/00927/FUL be approved subject to the satisfactory completion of a S106 Agreement and the conditions as set out in Schedule A (1) below.

(iii) That Application No. 14/01144/FUL be approved subject to satisfactory completion of a S106 Agreement or Unilateral Undertaking to secure contributions to education and waste management improvements and subject to the conditions set out in Schedule A (1) below:

(iv) That the Application detailed in Scheduled 'A (2)' to these Minutes be refused for the reasons stated therein.

(Notes: (i) Agenda Items were considered in the following order: 7, 10, 12.4, 12.5, 11, 12.6, 9, 12.2, 12.3, 8, and 12.1

(ii) Councillor Rivers declared pecuniary interests regarding Agenda Item 11 as a School Governor of Wigmore Primary School. He had been involved in the discussions around the planning proposal. He left the room and did not partake in the discussions and or decision thereafter. He returned at the start of Agenda Item 12.6.

(iii) Councillors Malcolm and Whittaker where present for the following items on the Agenda; Items 7, 10 and 12.4 only. They both left the room at 7.30pm, just before Agenda item 12.5 regarding 62 Ludlow Avenue.

(iv) Councillor O'Callaghan was not present at Agenda Item 8 as she left the meeting at 9.35pm.

(v) The meeting ended at 10.00p.m.)

SCHEDULE A
TO MINUTES OF DEVELOPMENT CONTROL COMMITTEE OF 3RD DECEMBER 2014
DEPOSITED PLANS AND APPLICATION FOR PLANNING PERMISSION

(A1) Planning Permission GRANTED subject to Conditions:

No.	Proposal	Conditions	Reasons
14/00138/FUL	Erection of single storey rear extension 5A – 5C Riddy Lane Dau & Bell Surveyors	(01) The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission	(01) 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) The development hereby permitted shall not be carried out other than in complete accordance with the approved plans and specifications as set out on Luton Borough Council plan numbers 07, 08, 09, 10, 11, 14,15, 16, 17 and.	(02) 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 ENV9 of the Luton Local Plan.
		(03) The materials used in the construction of the extension hereby permitted shall be the same colour, texture and design as the materials of the existing building.	(3) <i>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 ENV9 of the Luton Local Plan.</i>

No.	Proposal	Conditions	Reasons
14/00138/FUL (Cont'd)		(04) Before commencement of the development hereby approved, a management plan shall be submitted detailing the servicing arrangements including the management of the locking gate, the size of delivery vehicle, and the hours of the delivery vehicles. The use shall thereafter be operated in accordance with the approved plan, unless otherwise agreed in writing by the Local Planning Authority. Reason: To avoid traffic congestion on the highway in the interests of highway safety, and to safeguard the amenities of neighbouring properties.	(4) To avoid traffic congestion on the highway in the interests of highway safety, and to safeguard the amenities of neighbouring properties. To accord with the objectives of Policies LP1 and T3 of the Luton Local Plan.
		(05) The development hereby permitted shall not be brought into use until a legal agreement pursuant to Section 278 of the Highways Act 1980 has been completed and lodged with the Council. The said legal agreement will require a contribution towards a traffic enhancement scheme for the area. .	(5) To avoid traffic congestion on the highway in the interest of safety and convenience of pedestrians and other road users, and to protect the amenities of neighbouring properties. To accord with the objectives of Policies LP1 and T3 of the Luton Local Plan.
14/00927/FUL	Erection of second floor rear extension and creation of ten self-contained flats with associated amenity space and parking 5-7 London Road Ms M Joseph and Mr R Grandison	(01) The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission.	(01) To limit the duration of the permission in accordance with the provisions of Sections 91-96 of the Town and Country Planning Act, 1990.

No.	Proposal	Conditions	Reasons
14/00927/FUL (Cont'd)		(02) The development hereby permitted shall not be carried out other than in complete accordance with the approved plans and specifications as set out on Luton Borough Council plan numbers 01, 02, 06, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20.	(02) 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, ENV8, ENV9, H2, T3, T13 and IMP1 of the Luton Local Plan.
		(03) 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	(3) 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 ENV10 of the Luton Local Plan.

No.	Proposal	Conditions	Reasons
14/00927/FUL (Cont'd)		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.	
		(04) 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.	(4) To prevent the increased risk of flooding and to prevent pollution of the water environment. To accord with the objectives of Policy(ies) LP1, H2, ENV9 and ENV14 of the Luton Local Plan.
		(05) No alterations to the external appearance of the building(s), other than any alterations approved under this permission, shall be carried out without the prior permission of the Local Planning Authority.	(05) To enable the Local Planning Authority to exercise proper control over development within a designated Conservation Area. To accord with the objectives of Policy(ies) LP1, ENV8 and ENV9 of the Luton Local Plan.

No.	Proposal	Conditions	Reasons
14/00927/FUL (Cont'd)		<p>(06) 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.</p> <p>(07) Full details of the materials to be used in the construction of the Roof, external elevations, windows, doors, railings and steps of the building shall be submitted to and approved by the Local Planning Authority before the development is commenced.</p>	<p>(06) 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, ENV9 and H2 of the Luton Local Plan.</p> <p>(07) 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, ENV8, ENV9 and H2 of the Luton Local Plan.</p>
		<p>(08) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: (i) Operating hours No demolition, construction or contaminated land remediation activities, movement of traffic, or deliveries to and from the premises, shall occur other than within the hours agreed with the Local Planning Authority. Any proposed</p>	<p>(08) To protect the amenities of neighbouring properties. To accord with the objectives of Policy(ies) LP1, ENV9 and H2 of the Luton Local Plan.</p>

No.	Proposal	Conditions	Reasons
14/00927/FUL (Cont'd)		extension to these agreed hours, other than for emergency works, shall be agreed with the Local Planning Authority before work commences; (ii) the parking of vehicles of site operatives and visitors; (iii) loading and unloading of plant and materials; (iv) storage of plant and materials used in constructing the development; (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (vi) wheel washing facilities; (vii) measures to control the emission of dust and dirt during construction; (viii) a scheme for recycling/disposing of waste resulting from demolition and construction works.	
		(09) The windows on the first floor south and second floor east of the development shall be of a fixed type except at top vent level and glazed with obscure glass for so long as the development hereby permitted remains in existence.	(09) To protect the amenities of neighbouring properties. To accord with the objectives of Policy(ies) LP1, ENV9 and H2 of the Luton Local Plan.
		(10) A management plan, including management responsibilities and maintenance schedules, for all external and shared /common of the development shall be submitted to and approved by	(10) To ensure a satisfactory standard of development and safeguard the amenities of the surrounding area. To accord with the objectives of Policies

No.	Proposal	Conditions	Reasons
		the Local Planning Authority prior to the occupation of the development for its permitted use. The Management plan shall be carried out as approved.	LP1and H2 of the Luton Local Plan
14/00840/FUL	Erection of Detached outbuilding in rear garden 49 Blakeney Drive J S Chattha	(01) The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission.	(01) 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) The external materials used in the construction of the development hereby permitted shall be the same colour, texture and design as the external materials of the existing dwelling.	(02) To enhance the appearance of the proposed development. To accord with the objectives of Policy(ies) LP1, H4 and ENV9 of the Luton Local Plan.
		(03) The door and window(s) in the front elevation(s) of the development shall be fitted with obscure glazing at all times.	(03) To protect the amenities of the adjoining dwelling at No. 51 Blakeney Drive. To accord with the objectives of Policy(ies) LP1 and H4 of the Luton Local Plan.
		(04) Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 or of the Town and Country Planning (General Development) Order, 1995, (or any Order revoking and re-enacting that Order with or without modification) no additional openings shall	(04) To protect the amenities of neighbouring properties. To accord with the objectives of Policy(ies) (LP1 and H4of the Luton Local Plan.

No.	Proposal	Conditions	Reasons
14/00840/FUL (Cont'd)		be fitted in the front, flank or rear elevation(s) of the building(s) without the prior permission of the Local Planning Authority.	
		(05) The outbuilding hereby permitted shall only be used for purposes ancillary to the principal use of the property as a single family dwelling house, and no trade or business shall be carried on there from, nor shall it be used as a separate of self-contained dwelling unit.	(05) To protect the amenities of neighbouring properties. To accord with the objectives of Policy(ies) LP1 and H4 of the Luton Local Plan.
		(06) The development hereby permitted shall not be carried out other than in complete accordance with the approved plans and specifications as set out on Luton Borough Council plan numbers 01 and 03.	(06) 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, H4 and ENV9 of the Luton Local Plan.
14/01144/FUL	Erection of detached dwelling house – Resubmission 62 Ludlow Avenue Mr J Olney	(01) The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission.	(01) 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) The development hereby permitted shall not be carried out other than in complete accordance with the approved plans and specifications as set	(02) To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord

No.	Proposal	Conditions	Reasons
14/01144/FUL (Cont'd)		out on Luton Borough Council plan numbers 02, 04, 05, 06, 07, 08, 09 and 10.	with the objectives of Policy(ies) LP1, ENV9 and H2 of the Luton Local Plan.
		(03) 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.	(03) To enhance the appearance of the proposed development. To accord with the objectives of Policy(ies) LP1 and ENV10 of the Luton Local Plan.

No.	Proposal	Conditions	Reasons
14/01144/FUL (Cont'd)		(04) Before the development is commenced a method statement for all construction activities and works within 6 metres of the protected trees at the front of the site, designed to ensure that the trees are protected from damage, shall be submitted to and approved by the Local Planning Authority. The construction activities and works shall be undertaken in strict accordance with the approved method statement unless the Local Planning Authority has agreed any variation in writing beforehand.	(04) 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 ENV10 of the Luton Local Plan.
		(05) Before any building or engineering works are commenced on site the existing trees, shrubs and/or hedges to be retained shall be safeguarded against damage or injury by the erection of fencing or other suitable protection at a distance of not less than that recommended by BS5837:2012 from the tree trunk(s) or shrubs or hedging, and no plant, materials or other objects shall be stored or placed against any of the trees, shrubs or hedges.	(05) To safeguard the existing trees, shrubs and/or hedges on the site. To accord with the objectives of Policy(ies) LP1 and ENV10 of the Luton Local Plan.
		(06) The area to be used for car parking in connection with the development hereby permitted shall not	(06) To ensure that adequate provision is made for vehicles to park clear of the highway in the

No.	Proposal	Conditions	Reasons
14/01144/FUL (Cont'd)		be used for any purpose other than for the parking of residents and visitors 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.	interest of road safety. To accord with the objectives of Policy(ies) LP1 and T3 of the Luton Local Plan.
		(07) 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.	(07) To prevent the increased risk of flooding and to accord with the objectives of Policy(ies) LP1 and ENV14 of the Luton Local Plan.
		(08) No external lighting shall be installed on the site, other than in accordance with a scheme to be submitted to and approved by the Local Planning Authority beforehand. The scheme, lighting equipment and levels of illumination shall comply with guidance issued by the Institution of Lighting Engineers in their publication "The ILE Outdoor Lighting Guide" and shall be accompanied by a statement from the developer confirming that compliance. The scheme shall thereafter be retained	(08) 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 ENV9 of the Luton Local Plan.

No.	Proposal	Conditions	Reasons
14/01144/FUL (Cont'd)		and maintained for so long as the development remains in existence and shall not be varied without the prior written permission of the Local Planning Authority.	
		(09) Notwithstanding the submitted plans, triangular pedestrian safety visibility splay(s) of 1.8 metres x 1.8 metres shall be provided on each side of the vehicle access points to the site. The splay(s) shall be positioned within the site at right angles to the highway (measured at the highway/site boundary). The visibility splay(s) so described shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the existing ground level.	(09) In the interests of highway and pedestrian safety. To accord with the objectives of Policy(ies) LP1 and T3 of the Luton Local Plan.
		(10) 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.	(10) 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, ENV9 and H2 of the Luton Local Plan.
		(11) Samples of the materials to be used in the construction of the elevations and roof of the dwelling shall be	(11) To ensure a satisfactory standard of development and to safeguard the amenities of the

No.	Proposal	Conditions	Reasons
14/01144/FUL (Cont'd)		submitted to and approved by the Local Planning Authority before the development is commenced.	surrounding area. To accord with the objectives of Policy(ies) LP1, ENV9 and H2 of the Luton Local Plan.
		(12) Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 or of the Town and Country Planning (General Development) Order, 1995, (or any Order revoking and re-enacting that Order with or without modification) no first floor openings shall be fitted in the north or south elevation(s) of the building(s) without the prior permission of the Local Planning Authority.	(12) To protect the amenities of neighbouring properties. To accord with the objectives of Policy(ies) LP1 and H2 of the Luton Local Plan.
		(13) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: (i) Operating hours No demolition, construction or contaminated land remediation activities, movement of traffic, or deliveries to and from the premises, shall occur other than within the hours agreed with the Local Planning Authority. Any proposed extension to these agreed hours, other	(13) To protect the amenities of neighbouring properties. To accord with the objectives of Policy(ies) LP1 and H2 of the Luton Local Plan.

No.	Proposal	Conditions	Reasons
14/01144/FUL (Cont'd)		than for emergency works, shall be agreed with the Local Planning Authority before work commences; (ii) the parking of vehicles of site operatives and visitors; (iii) loading and unloading of plant and materials; (iv) storage of plant and materials used in constructing the development; (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (vi) wheel washing facilities; (vii) measures to control the emission of dust and dirt during construction; (viii) a scheme for recycling/disposing of waste resulting from demolition and construction works.	
		(14) Provision of a minimum of 3 car parking spaces shall be provided within the boundary of the existing dwelling No.62 Ludlow Avenue prior to the development hereby approved commencing.	(14) To ensure adequate off road parking is provided in the interests of highway and pedestrian safety. To accord with Policies LP1 and T3 of the Luton Local Plan
14/00998/REM	Development of land for residential purposes – Erection of 2 three bedroom dwellings with individual garages – Approval of reserved matters relating to appearance landscaping, layout of planning permission 11/01046/OUT	(02) Full details and particulars of all buildings and other works hereby permitted in respect of the appearance, landscaping and layout of the site/development shall be submitted to and approved by the Local Planning	(02) To enable the Local Planning Authority to exercise proper control over the details of development in the case of an outline planning permission granted under Article 3 (1) of

No.	Proposal	Conditions	Reasons
14/00998/REM	dated 28 th May 2014. Rear of 96 Shelley Road Mr P Couine	Authority before any development is commenced.) insofar to matters relating to layout, appearance and landscape of the site/development.	the Town and Country Planning (General Development Procedure) Order, 1995.

SCHEDULE A2

(A2) Applications for Planning Permission REFUSED

No.	Proposal	Reasons for Refusal
14/01085/FUL	Erection of a building with 14 flats over four storeys comprising 14 one bedroom flats after demolition of existing warehouse unit. 15-19 Liverpool Road Mr. B Grewal	<p>It is recommended that planning permission is refused on plans 01, 02, 03, 04, 05 and 06 for the following reasons:</p> <p>(01) The proposed development, by reason of its design would be unduly prominent in the streetscene, to the detriment of the character and visual amenity of the surrounding area and would set an undesirable precedent for further proposals of a similar nature. The proposal would thereby be contrary to Policies LP1, H2 and ENV9.</p> <p>(02) The proposed development would injuriously affect the amenities of the adjoining properties by reason of overlooking, visual intrusion and loss of privacy. The proposal would thereby be contrary to Policy(ies) LP1, H2 and ENV9 of the Luton Local Plan.</p> <p>(03) The proposal represents an overintensive development of the site to an extent where inadequate space remains for the proper provision of rear garden amenity space and parking layout. The proposal would thereby be contrary to Policy(ies) LP1, H2 and ENV9 of the Luton Local Plan.</p>

COMMITTEE: DEVELOPMENT CONTROL

DATE: 21ST JANUARY 2015

SUBJECT: LAND OPPOSITE WHITBREAD HOUSE, FLOWERS WAY – ERECTION OF THREE NEW MIXED-USE DEVELOPMENT BLOCKS COMPRISING 130 RESIDENTIAL FLATS AND 359 STUDENT ROOMS, WITH COMMERCIAL AT GROUND FLOOR AND ASSOCIATED UNDERCROFT CAR PARK (APPLICANT: OYSTER PROPERTIES ASSETS LTD)
(APPLICATION NO: 14/00713/FUL)

REPORT BY: DEVELOPMENT CONTROL MANAGER

CONTACT OFFICER: DAVID GAUNTLETT 546317

IMPLICATIONS:

LEGAL	COMMUNITY SAFETY
EQUALITIES	ENVIRONMENT
FINANCIAL	CONSULTATIONS
STAFFING	OTHER

WARDS AFFECTED: SOUTH

PURPOSE

1. To advise Members of a current application for planning permission and to seek their decision.

RECOMMENDATION(S)

2. That planning permission is granted, subject to the satisfactory completion of a unilateral undertaking or S106 Agreement to secure contributions to education and waste management infrastructure improvements, and 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) The development hereby permitted shall not be carried out other than in complete accordance with the approved plans and specifications as set out on Luton Borough Council plan numbers 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11a, 11b, 11c, 11d, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41 and 42.

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, ENV7, ENV8, ENV9, ENV10, ENV14, H2, H7 and S1 of the Luton Local Plan.

- (03) Full details of the layout and use of the lower and upper ground floor commercial units identified on the approved plans as Units A, B, C, D, E, F and H shall be submitted to and approved by the Local Planning Authority prior to the occupation of any commercial unit hereby approved.

Reason: To enable the Local Planning Authority to exercise proper control over the development proposed, in the interests of securing a satisfactory standard of work and of safeguarding the amenities of the surrounding area. To accord with the objectives of Policy(ies) LP1, H2, H7 and S1 of the Luton Local Plan.

- (04) The student accommodation hereby approved shall only be occupied by persons registered as 'full-time' students to the Bedfordian Business School or the University of Bedfordshire during the currency of their registration.

Reason: To enable the Local Planning Authority to exercise control and in the interests of sustainability. To accord with the objectives of Policy LP1 of the Luton Local Plan and the NPPF.

- (05) Before the development is commenced a scheme for the provision of affordable housing as part of the development shall be submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:- (i) The numbers, type and location of the units of the affordable housing provision to be made; (ii) The timing and the construction of the affordable housing;

(iii) The arrangements to ensure that such provision are affordable for both initial and subsequent occupiers of the affordable housing; (iv) The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing ; (v) The means by which the scheme shall be enforced, including any necessary legal agreement if appropriate. Affordable housing provided in accordance with this condition shall be in the "social rented" sector to meet identified local housing needs unless the developer is able to demonstrate to the satisfaction of the Local Planning Authority that social rented accommodation is not appropriate on the site, in which case the affordable housing shall be provided as a combination of low-cost housing and shared ownership or, as a last resort, in the form of a commuted payment to enable the provision to be off-site.

Reason: To ensure that provision is made for affordable housing in accordance with Policies H5 and H6 of the Luton Local Plan.

- (06) 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 and ENV10 of the Luton Local Plan.

- (07) A management plan, including management responsibilities and maintenance schedules, for all internal and external and shared/common areas of the development, to include responsibilities for the control and management of noise within all shared common areas and for the supervision of the students, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the student accommodation. The Management Plan shall be implemented and maintained in full in perpetuity. Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.

Reason: To accord with the objectives of Policies LP1 and ENV9.

- (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 prevent the increased risk of flooding and to prevent pollution of the water environment. To accord with the objectives of Policy(ies) LP1 and ENV14 of the Luton Local Plan.

- (09) No external lighting shall be installed on the site, other than in accordance with a scheme to be submitted to and approved by the Local Planning Authority beforehand. The scheme, lighting equipment and levels of illumination shall comply with guidance issued by the Institution of Lighting Engineers in their publication "The ILE Outdoor Lighting Guide" and shall be accompanied by a statement from the developer confirming that compliance. The scheme shall thereafter be retained and maintained for so long as the development remains in existence and shall not be varied without the prior written permission of 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 ENV9 of the Luton Local Plan.

- (10) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: (i) Operating hours No demolition, construction or contaminated land remediation activities, movement of traffic, or deliveries to and from the premises, shall occur other than within the hours agreed with the Local Planning Authority. Any proposed extension to these agreed hours, other than for emergency works, shall be agreed with the Local Planning Authority before work commences; (ii) the parking of vehicles of site operatives and visitors; (iii) loading and unloading of plant and materials; (iv) storage of plant and materials used in constructing the development; (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (vi) wheel washing facilities; (vii) measures to control the emission of dust and dirt during construction; (viii) a scheme for recycling/disposing of waste resulting from demolition and construction works.**

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 H2 of the Luton Local Plan.

- (11) A management scheme for the car parking areas of the development shall be submitted to and approved by the Local Planning Authority and the scheme thereby approved shall be installed before the occupation of the first residential unit and maintained for so long as the development remains in existence.

Reason: To ensure a satisfactory standard of development and in the interests of security and the prevention of crime.

- (12) A Servicing Management Plan, including management responsibilities and details of deliveries and servicing associated with the development, shall be submitted to and approved by the Local Planning Authority before the development hereby permitted is occupied. 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) LP1, H2 and S1 of the Luton Local Plan.

- (13) Before the development hereby permitted is commenced a full survey of the condition of the public highways surrounding the site (footway and carriageway) shall be submitted to and approved by the Local Planning Authority in liaison with the Local Highways Authority.

Reason: In the interests of highway and pedestrian safety. To accord with the objectives of Policy(ies) LP1 and T3 of the Luton Local Plan.

- (14) A secure entry system shall be provided to all entrances to the building 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 entry system shall be installed and fully operational prior to the occupation of the residential accommodation.

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 and ENV9 of the Luton Local Plan.

- (15) Prior to the occupation of the building a scheme to provide a CCTV system shall be installed in accordance with details to be submitted beforehand. The scheme thereby approved shall be retained and

maintained thereafter for so long as the development remains in existence.

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 and ENV9 of the Luton Local Plan.

- (16) The garden/amenity space 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 protect the amenities of the future residents of the accommodation hereby approved. To accord with the objectives of Policy(ies) LP1 and ENV10 of the Luton Local Plan.

- (17) Full details of the materials to be used in the construction of the elevations, roofs, balconies and balustrades of the buildings 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, ENV7, ENV8 and ENV9 of the Luton Local Plan.

- (18) Prior to the commencement of development, details of a scheme for renewable energy production equipment to provide at least 10% of the predicted energy requirements of the development shall be submitted to and approved by the Local Planning Authority, unless it can be demonstrated that there are overwhelming practical reasons why this is not appropriate. The scheme thereby approved shall be installed before first occupation or in accordance with a timetable agreed in writing by the Local Planning Authority and shall be used, retained and maintained thereafter for so long as the development remains in existence.**

Reason: In the interests of sustainability. To accord with the objectives of Policy(ies) U3 of the Luton Local Plan.

- (19) No development shall take place within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority beforehand.**

Reason: To ensure that any material of archaeological significance on the site is identified and recorded. To accord with Policy ENV6 of the Luton Local Plan.

- (20) Notwithstanding the details provided within the Framework Travel Plan prepared by Tully De'Ath dated June 2014, no development shall take place until a revised Framework Travel Plan has been submitted to and approved in writing by the Local Planning Authority in conjunction with the Highways Agency. The Travel Plan shall include the following: i) The identification of targets for trip reduction and modal shift; ii) The methods to be employed to meet these targets; iii) The mechanisms for monitoring and review; iv) The mechanisms for reporting; v) The penalties to be applied in the event that targets are not met; vi) The mechanisms for mitigation; vii) Implementation of the travel plan to be agreed timescale or timescale and its operation thereafter; viii) Mechanisms to secure variations to the travel plan following monitoring and reviews. The completed development shall be occupied in accordance with the approved travel plan which shall be retained in place thereafter unless otherwise amended in accordance with a review to be agreed in writing by the Local Planning Authority in conjunction with the Highways Agency. Before the development is brought into use the Travel Plan is to be reviewed by the planning authority in consultation with the Highways Agency to take on board conditions prevailing at the time and adjustments made to accommodate them.

Reason: To ensure the M1 motorway continues to serve its purpose as part of a national system of routes for through traffic, to satisfy the reasonable requirements of road safety on the M1 Motorway trunk road and connecting roads in accordance with section 10 of the Highways Act 1980.

- (21) The internal design and building specifications of the proposed development shall be such that the daytime noise level within any residential unit with windows closed shall not exceed 40dB LAeq (0700-2300) and the night time noise level within any residential unit with windows closed shall not exceed 30dB LAeq (2300-0700). The night time LAmax shall not exceed 45db. Full details of noise insulation measures, including provision for powered acoustically attenuated ventilation, shall be submitted to and approved by the Local Planning Authority before any work is commenced. The approved insulation scheme shall be completed prior to the occupation of the development.

Reason: To protect the amenities of the future occupiers of the residential accommodation hereby approved. To accord with the objectives of Policies LP1, H2 and ENV9 of the Luton Local Plan and the guidance of the NPPF.

- (22) All plant and equipment must be designed to achieve -10dBA below background measured 1m from the facade of existing nearby noise sensitive premises.

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, ENV9 and H2 of the Luton Local Plan.

- (23) Full details of any required fume extraction and ventilation system to include; a description of the siting and appearance of odour extraction equipment; sound pressure levels from the extraction equipment; details of canopy design and face velocity; extract rate calculations; make-up air calculations; filter types with supplier's specifications; filter change frequency; servicing frequency; cleaning frequency; and noise and vibration control measures; shall be submitted to and approved by the Local Planning Authority and the system shall be installed according to the approved details prior to the commencement of the use hereby permitted.

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, ENV9, H2 and H7 of the Luton Local Plan.

- (24) No amplified or other music shall be played within the internal and external communal areas of the development unless otherwise agreed in writing 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 Policies LP1, and ENV9.

- (25) Prior to the commencement of development 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 Environmental Health Service beforehand and the investigation shall be undertaken prior to the commencement of the development.

Reason: To prevent pollution of groundwater. To accord with the objectives of Policy(ies) LP1 and ENV14 of the Luton Local Plan.

- (26) Subject to the result of the studies required by Condition 25, 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 groundwater. To accord with the objectives of Policy(ies) LP1 and ENV14 of the Luton Local Plan.

- (27) Following completion of any remediation works, the developer should submit a Verification Report to the Local Planning Authority for approval. The Verification Report should provide confirmation that all measures outlined in the approved Remediation Strategy have been completed including where appropriate validation testing.

Reason: To prevent pollution of groundwater. To accord with the objectives of Policy(ies) LP1 and ENV14 of the Luton Local Plan.

- (28) No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: To prevent pollution of groundwater and to safeguard the local underground sewerage utility infrastructure. To comply with policies LP1 and ENV14 of the Luton Local Plan.

REPORT

The Site and Surroundings

3. The application site is a rectangular shaped area of land, measuring approximately 0.45 hectares in size, and is currently occupied by two areas of surface car parking serving the town centre. It is generally laid to areas of hardstanding with some areas of planting comprising small tree specimens, and it has a notable change in land levels on its north to south sides (north being lower). Located to the southeast of the Town's Central Area, the site occupies a very prominent location addressing an important transport node into and out of the town. It is bounded by highways on all sides; Flowers Way to the north; Park Street West to the

east; Castle Street to the west and the Park Viaduct dual carriageway to the South.

4. The site is located in a relatively built up area with buildings of various scales, designs and uses immediately surrounding it, which includes residential and student accommodation, office buildings, leisure and retail uses and the crown court. In addition the designated town centre conservation area is in close proximity to its westernmost boundary.
5. It was proposed that the application be heard at the Committee Meeting of the 20th October 2014 but was withdrawn from the agenda due to the failure to resolve the outstanding air-quality issues in time for that Meeting. These issues have now been addressed and are documented in the following assessment of the case.

Relevant Planning History

6. Planning permission was granted in 2007 for a mixed-use development comprising 202 residential units (*150 one-bedroom flats and 52 two-bedroom flats*) a 148-bedroom hotel, Class A1, A3 and A4 units and 229 associated car parking spaces encompassed within a single building ranging between 4 and 11 storeys. The application was made in outline form and the reserved matters never came forward for final consideration, resulting in the permission failing to be implemented and ultimately expiring.

The Proposal

7. Planning permission is sought for the erection of a mixed use development comprising 3 separate building entities identified as Blocks A, B and C. The mix of uses will include the following:
 - 130 residential apartments
 - *65 x one-bedroom units*
 - *65 x two-bedroom units*
 - 359 student bedrooms, with associated office, mail and laundry facilities
 - 1,067sq.metres of flexible commercial floorspace for use classes A1, A2, B1 or D2.
 - 786sq.metre of shared amenity space
 - 21 car parking spaces in an undercroft car park
 - *19 regular car spaces*
 - *2 disabled spaces*
 - Designated area for motorcycle parking
 - Capacity for 490 secure cycle spaces

Block A

8. Block A is the largest of three blocks to be located on the site and will be positioned on its western side, covering its full width. The Block will stand at 9 storeys fronting Flowers Way before stepping up to 11 storeys where it fronts onto the ring road.
9. As a result of the site gradient the building will have a lower ground level and upper ground level. The lower ground level will comprise a single commercial unit with a street frontage, a plant area and a series of refuse and cycle stores serving both the residential and student accommodation uses on the upper floors. The undercroft car park is at this level providing 21 spaces. The lower ground floor also provides the primary residential access into the building, with appropriate circulation cores accessible after the reception desk.
10. The upper ground floor of the building comprises a further two commercial units accessible directly from Castle Street and Park Viaduct and a communal amenity courtyard, which is only accessible to residents within the building and will largely separate the upper levels of Blocks A and B.
11. In total, Block A will comprise 91 residential units and 11 student bedrooms.

Block B

12. Block B is centrally positioned on the site and will cover its full width. It will be slightly lower in height adopting 7 storeys on its Flowers Way frontage before stepping up to 10 storeys where it addresses the park Viaduct ring road. Block B will be separated from Block C by the creation of a through-route within the site, which will link Flowers Way to Park Viaduct. This route is to be suitable landscaped to enable good permeability as well as providing a common courtyard to serve the development.
13. The lower ground floor level of Block B will comprise two commercial units, which will be accessed from the courtyard space, as will a student reception area. The remaining space at this level will provide plant areas and cycle storage.
14. The upper floors of Block B will provide a total of 39 residential units and 117 student bedrooms.

Block C

15. Block C is located on the eastern side of the site and will cover its full width. It will again follow the pattern of reducing scale by adopting a 6 storey height on its Flowers Way frontage before stepping up to 9 storeys where it addresses the park Viaduct ring road.

16. The building will provide one commercial unit at lower ground floor level accessed from its northwest corner and one commercial unit at upper ground floor level addressing the Park Viaduct and accessed from the common courtyard space. The lower floors of this building will also provide a student reception into the building and associated communal and laundry spaces for student residents.
17. The upper floors of Block C will be solely student accommodation providing a total of 231 bedrooms

Planning Policy Implications

National Planning Policy Framework

18. The National Planning Policy Framework (NPPF) was published in March 2012. It sets out to rationalise national policy guidance and how the government's planning policies are expected to be applied. The core principle of the Framework is a "presumption in favour of sustainable development". However, this does not change the status of the development plan as the starting point for decision making. Planning law requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is a material consideration in planning decisions.

Luton Local Plan 2001-2011

19. The site is within an area identified on the Proposals Map of the Luton Local Plan to which Policy CA1 'Central Area' applies. This and other relevant Policies of the Local Plan are dealt with later in 'Main Planning Considerations'.
20. The policies that are relevant to the proposal are LP1, ENV7, ENV8, ENV9, ENV10, H2, H5, H7, EM4, T3, T8, U3, IMP1 and CA1.
21. Policy LP1 sets out a sustainable development strategy for proposed developments across the borough.
22. Policy ENV7, at paragraph D, indicates that planning permission will not be granted for developments which are likely to affect the setting of listed buildings.
23. Policy ENV8 is concerned with the protection, preservation and enhancement of Conservation Areas within the town
24. Policy ENV9, amongst other things, expects proposals to respect the character and appearance of an area, existing landforms and natural

- features, and the scale and proportion of existing buildings within the street scene.
25. Policy ENV10 considers landscaping proposals for all new developments.
 26. Policy H2 supports the grant of planning permission on sites not allocated for housing provided that, amongst other things, it is previously developed land and that there would be no unacceptable effect on the environment.
 27. Policy H5 seeks a percentage of the proposed new units in all developments of 15 dwelling units or more being for affordable housing, subject to the circumstances of the site and any special development costs.
 28. Policy H7 sets out the requirements for new student accommodation developments in the town, requiring them to be within 1km of the facility that they will serve or have good transport connections to those facilities and requiring them not to have a detrimental impact on the amenity of adjacent businesses or residents.
 29. Policy EM4 indicates that development of uses falling within B1 to B8 outside of identified employment areas will be supported provided that there would be no unacceptable impact upon the amenity of neighbouring uses.
 30. Policy T3 is concerned with the traffic implications of development. Permission will only be granted if the proposal would not exacerbate road congestion; cause safety problems; or be likely to cause demonstrable harm to the quality of the environment.
 31. Policy T8 seeks to promote walking and cycling within new developments.
 32. Policy U3 states that all proposals for new buildings totalling 1000 sq. metres floor space or more will be required to incorporate renewable power generation equipment to provide at least 10% of the predicted energy requirements of those buildings, unless it can be demonstrated that there are overwhelming practicable reasons why this is not appropriate.
 33. Policy IMP1 is concerned with the level of financial contributions provided by developments and must be read in conjunction with the Supplementary Planning Document on Planning Obligations which assess what planning obligations should be sought from development.
 34. Policy CA1 seeks to promote development in the central area that contribute to, amongst other things, enhancing its role as an attractive and mixed use area.

Consultation Responses

35. LBC Highways Authority: Has raised no objections to the development but would like to see some conditions imposed on any permission that is granted.
36. LBC Education: Would require a financial contribution, which would be paid towards improvements and the creation of additional school places made necessary by the development
37. LBC Environmental Protection: Advises that conditions relating to noise, lighting, ventilation and contamination should be attached to any permission that is granted.
38. LBC Environmental Assessment: No response has been received. Any comments made will be reported at the Meeting.
39. LBC Housing Policy: Supports the use of a condition in order to secure a proportion of affordable housing from the development.
40. LBC Strategic Planning: Has offered comments on the mix of uses, the viability of the development and on design.
41. LBC Parks: No response has been received. Any comments made will be reported at the Meeting.
42. LBC Libraries Service: No response has been received. Any comments made will be reported at the Meeting.
43. LBC Museums: No response has been received. Any comments made will be reported at the Meeting.
44. LBC Waste Management: Would require a financial contribution, which would be paid towards improvements to waste management infrastructure made necessary by the development.
45. Highways Agency: Requires conditions to be attached to any permission that is granted, relating to the need for a travel plan.
46. Central Bedfordshire Council: Has no comments to make on the application.
47. Police Architectural Liaison Officer: Has requested further details concerning access arrangements to both the courtyard areas and the undercroft parking garage.
48. Environment Agency: Awaiting feedback. Any comments made will be reported at the Meeting.

49. Thames Water: Advises that it is the responsibility of the developer to ensure that proper provision is made for dealing with surface water drainage. Requires a condition to be attached to any permission that is granted, concerning piling foundations.
50. Affinity Water: Has provided informative advice and raised no objections.
51. Health and Safety Executive: No response has been received. Any comments made will be reported at the Meeting.
52. National Grid: No response has been received. Any comments made will be reported at the Meeting.
53. Statutory Publicity: The application has been notified to 15 adjoining occupiers and a series of site notices have been displayed in areas surrounding the development. Press notices have also been published. One letter of representation has been received raising concerns about the following comments:
 - Increased traffic
 - Parking issues
 - Increased noise and disturbance
 - Litter
 - Significant loss of light
 - Architecture and maintaining architectural heritage
 - Safety of potential new and existing commercial users/residents on a busy access thoroughfare
 - Impact on local businesses

MAIN PLANNING CONSIDERATIONS

54. The main planning considerations relate to the principle of the development; the living environment to be created; its impact on the street scene and the nearby historic environment; and its impact on adjoining occupiers; design and parking. Affordable Housing and Infrastructure improvements are also a consideration.

Principle of development

55. The application site falls within the town centres central area and is located in and amongst a fairly diverse range of uses, from local businesses that mainly function during the day, to nearby night spots, which operate during later hours. The central university campus also lies directly to the north of the site approximately 150 metres away.
56. The use of the ground floor for commercial uses does not raise any concerns in principle although the final uses will need to be confirmed

- prior to occupation. The town centre central area is suitable for more mixed use developments and smaller units will contribute to the vitality and vibrancy of the area with adversely affecting the primary and secondary shopping areas. Additional business units will also increase employment opportunities within the town-centre base with little detriment likely to occur on other neighbouring uses both in the scheme and in the surrounding area.
57. As the site is town centre based the inclusion of apartments is more preferable than conventional housing as it is close to transport links and amenities and is likely to appeal to persons with a particular lifestyle that is more suited to town-centre living. It also provides an opportunity to contribute additional numbers to meet the established housing needs in the town.
 58. The student accommodation to be provided is intended to meet the needs of the town's higher education facilities, specifically serving students who will study at the University of Bedfordshire or the Bedfordian Business School. Both facilities are in close proximity to the site and are therefore easily accessible by foot or bicycle. The relatively central location of the site means that it is also well connected to the wider urban area via bus and rail links, and as such it complies with requirements of Policy H7 [A] of the Luton Local Plan.
 59. The University of Bedfordshire has indicated that it has no requirement for additional accommodation at present and has seen a downturn in demand for their existing accommodation stock. The University has also stated that it is likely that the additional accommodation provided by this proposal could result in an oversupply within the town.
 60. The University has an average yearly role of between 9,500 and 10,000 students attending its central Luton campus, with approximately 3,500 to 4,000 seeking accommodation. The accommodation that the University owns is generally taken up by first year students, and although it is available to second and third years, generally there is a trend that they go on and find their own accommodation outside of the immediate campus. In addition to this, the Bedfordian Business School has an approximate student population of 500 and said to be rising as the School grows with reputation.
 61. The issue of need has been raised previously by Members. An assessment of planning permissions indicates that since the erection of the University's own accommodation (some 850 rooms) back in 2008, planning permission has been granted for 1,512 additional student bedrooms with only 406 coming forward for development. Furthermore permissions for 29 of those units have now expired and 132 units included in approved developments in King Street and Chapel Street are unlikely to be built. This leaves a total of 1,106 units awaiting development. This is a

fair amount but considering the University's student role, even if all of those extant permissions come forward, and the quantum proposed by this development is added to that total, it would still only cater for just over half of the pupils requiring a bed space. A case exists therefore that there remains a demonstrable need for additional accommodation in suitable locations near the town centre. This is further reinforced by the steady stream of applications of this type being submitted. Generally the submissions are made by specialist operators. They wouldn't commit the time or expenditure into such projects if they couldn't identify a clear need for the accommodation. The market for student accommodation is very competitive because many students are price-sensitive with accommodation being their largest expenditure outside of school fees. Therefore the operators will need to be competitive to ensure that their businesses do not suffer. There are a number of family-sized dwellinghouses around the town that are used to house students, who benefit from the low-rent that collective living can offer. The Bedfordian Business School's own website currently advises its students to contact local letting agents for accommodation within the town, who also actively market residential dwellinghouses for this purpose. There is a consideration that by creating attractive purpose-built student accommodation close to the centre that is competitively priced as well as offering a better standard of living then students will be less inclined to inhabit dwellinghouses, which in turn will free up family accommodation. This can then be returned to the general housing market and increase the supply of the identified housing demands in the area.

62. The proposed development will incorporate a mix of uses that are considered to fit in with the function and character of the area, and demonstrates an efficient use of the land. Therefore the proposed development is considered to be acceptable as a matter of principle.

Living Environment Created

General Housing

63. The apartments are mixed between one and two bedroom units of between 46 and 77sq. metres in floor area, some with single aspect and some with a dual aspect, providing a range of different outlooks for future occupiers. The units provide a spacious environment and are laid out in a methodical manner. All habitable rooms are provided with a window opening, and all flats will benefit from a private garden area (at shared courtyard level) or a balcony (upper floor units).

Student Accommodation

64. The student bedrooms are arranged in a typical student-halls style arrangement with groups of bedrooms clustered around shared living dining spaces. Each room will benefit from its own en-suite and a window

opening to ensure good levels of outlook and adequate daylight penetration. The lower levels of the building will provide future occupiers of the accommodation with a laundry facility, an open communal area and a mail room.

Overall Environment

65. Some consideration should be given to the integration of general housing and student housing in the same development as (perhaps stereotypically) student housing has the potential to be livelier and generate more activity during later hours of the day. However noise transference between the two different building elements will be limited. Where the general housing and student housing adjoin in the same building, the partition in between will be double-thickness walls. Further noise details will be required to ensure that there is minimal conflict between the two living environments.
66. What also comes in for consideration is that this development is town-centre based where additional levels of activity should be expected from people who choose to live in this location. The mix of uses within the building (which will also contain an element of commercial use at ground floor level) is set to create a diverse community in the heart of the town centre. All future residents will have an opportunity to integrate through use of the shared courtyard area, measuring 329 sq. metres, which will be located on a raised level between Blocks A and B, which will offer some level of external recreation. This space will be faced by windows and balconies ensuring some level of activity and presence at upper levels and will be accessible only by those residents in the scheme with secure entrance points into and out of each element of the building. Two further residential amenity decks are provided at first floor roof level in between Blocks A and B which will provide a further 407 sq.m metres of external space. 329sq. metres of roof terracing will also be available to the student accommodation at levels 5, 6 and 7 and the treatment and layout of these external spaces will be important from both a visual amenity and safety aspect.
67. In order for any potential problems to be averted both the student accommodation and general housing elements of the building will be separately managed. The Housing will have a concierge service provided at the main entrance to the building accessed from its Castle Street frontage and the student accommodation will have a staffed main reception, with access to the Block B element being off the landscaped courtyard through route and the access to Block C being on the northeast corner of the building where Flowers Way and Park Street West intersect.
68. The site is in close proximity to the inner-ring road and the Castle Street roundabout is a busy transport node, which is subject to high levels of car exhaust fumes. An investigation into air-quality has indicated that all of the residential properties in the development will fall below the air-quality NO²

objective of $40 \mu\text{g m}^3$ in the year 2017. This is important as any area which is exposed to levels above that objective would need to be declared as an Air Quality Management Area. Environmental Protection has considered the submitted report and has indicated that they are satisfied with the findings. Accordingly the living environment to be created will not be affected by poor air quality.

Street Scene Impact

69. The existing surface car park creates a void in the street scene immediately adjacent to an important transport node into and out of the town and adjacent to the ring road. The site's location at the foot of Castle Street is considered to demand more of a presence than it is currently offering, with the Staples retail building, the Crown Court and Whitbread House creating the first impressions for visitors to the town centre. The proposed development will create a landmark building that is of a notable quality and will noticeably improve the immediate environment. It will create a level of activity at ground and upper floor levels that will give the impression of vibrancy throughout all periods of the day and night.
70. The proposed building will achieve its tallest height where it addresses the roundabout, and similarly to the student accommodation opposite, each block will reduce in scale as it progresses away from the roundabout. Whilst it will be a successful standalone development, it will also have the benefit of being able to work well together with the approved development of Whitbread House. The high proportion of residential and student accommodation, together with the right blend of commercial, will ensure that there is a good level of activity in the area, which again has its own street scene benefit.
71. As the building is designed in three blocks, all four elevations of each block will be visible from the public domain. Accordingly each of the 12 elevations is designed to include good proportions for each of the differing materials, large amounts of glazing and various projections and recesses to create well thought-out facades of design interest. The use of the three blocks will also break up the mass of the development and will maintain views through the development, which will expose the townscape sitting behind. This is considered to be a positive approach and much improved on the approach of a previously accepted scheme, which was far more bulky and dominant.
72. In the wider context, the form, layout and scale of the buildings will work well with the University of Bedfordshire Accommodation away to the northeast adjacent to the termination of the ring-road. The similar forms of the development will create notable points in the street scene at each end of this primary route. The University buildings are already good evidence of high quality built design in the town, and together with the anticipated quality of the proposed development, it may encourage further

developments of similar quality to come forward on sites in between these two reference points.

Impact on Conservation Area and Listed Buildings

73. The application site sits adjacent to the Town Centre Conservation Area, where there are a number of interesting buildings and street layouts, indicating historic development styles within the town centre. However, in the immediate vicinity of the application site, there are a number of more modern developments including the Crown Court and Whitbread House office buildings to the north, an unremarkable retail (stationary) warehouse to the west and an old retail warehouse building (now a Casino) to the east. There is a high rise student accommodation building and flat development to the south on the opposite side of the ring road, and further to the east are the 10-storey Wesley House and 7-Storey Venue Central buildings.
74. More relevant to the older pattern of the town lies to the northeast of the application site on the opposite side of Park Street West. Here are a terrace of buildings, which contain some of Grade II listing (*Nos. 11-13, 21-23 and 27-29*) and are of good architectural quality. Members recently approved the redevelopment of the Whitbread House building, and that redevelopment was considered to have a good level of respect to these historic buildings. The proposed development currently being considered has been designed by the same architect and the general character of the Whitbread House development has followed through into this proposal, creating a constant and maintaining a good level of quality in the pattern of built development in the immediate area and this is considered to vastly improve the setting of these listed buildings.
75. The proposed building will not be of a traditional design or scale but given the varying degree of styles and scales surrounding the site, this is not anticipated to have a detrimental impact on the built environment. The quality of design and the use of largely brickwork facings to reflect the predominant material in the area are anticipated to create a favourable transition between buildings of a more historic character and those with a more functional appearance. The design and anticipated appearance of the buildings will create increased quality to the area and will provide added opportunity for regeneration in the locality and as a result the impact of the development on the adjacent conservation area and listed buildings will be acceptable.

Impact on Adjoining Occupiers

76. Much of the surrounding area is made up of commercial businesses (including use of upper floors) and the scale and function of the proposed building would not disturb the day-to-day operations of the adjoining

buildings. Similarly the operations of those businesses will not impact on the environment created in the new building.

77. Planning permission was recently granted for the redevelopment of the Whitbread House office building to the immediate north of the application site. When taking this permission into account, redevelopment of the application site for a taller building would have the potential to impact on that approved building in terms of visual intrusion and a potential loss of light. However, as the same architects have created both schemes, this has been considered and forms part of the reason for creating gaps in between the Blocks B and C, which are directly opposite. This gap will allow light to penetrate the space and access Whitbread House and the openness and activity created by the landscape through route, will improve the general outlook from apartments in that new block. As a result of the design approach taken, there will be no conflict between the development being considered and that which is already approved.
78. The Crown Court building also lies to the north of the site and has a number of windows in its south facing elevation and these windows will have a direct relationship looking out onto the development. Many of these windows are high level and are located in an element of the Court that is recessed from the highway and so will generally be unaffected and those windows located in the part of the Court building occupying the corner of its site will be slightly offset from a direct facing relationship. On assessment it is considered that the impact on these existing windows will be acceptable in this urban environment.

Design

79. The main elevations of the building will be predominantly finished in a light-coloured brickwork construction with a secondary material in the form of a shiny metal cladding finish being used to break the building up and to reflect the contrast in the built environment in the surrounding area. Due to the nature of the uses within the building, there will be a number of uniform window openings and to hide or screen the intensity of the window uniformity, a third material in the form of a gold cladding will be used to frame windows and create feature projections. To vary the elevations further, the balconies serving residential properties will be recessed into the frame of the building and the returns serving the balconies will be in varying coloured finishes to create some vibrancy and liveliness to the façade.
80. Some caution is raised to the use of large quantities of grey/silver cladding as it has the potential to appear quite oppressive. However the CGI's accompanying the application suggest that the areas of grey/silver cladding will be proportionate to the larger areas of brickwork and will be positively supported through the areas of alternative gold cladding, glazing elements and splashes of colour. The quality of the materials will be key in

the success of the building but the combination of these materials is considered to be acceptable as a matter of principle.

81. With respect to security matters, the building will be fully secure. As mentioned previously both the residential and student accommodation entrances will be staffed, which will prevent casual intrusion at these points. Secondary access points to both elements will be provided around the building's edge but it is anticipated that these will be secure entry points (further details should be sought via condition, should planning permission be granted). For the benefit of residents, the internal communal courtyard will also be secure from casual intrusion, with access points provided for both the residential and student accommodation and therefore secure entry would have to be gained into the building in order to access the external spaces. Due to the high proportion of windows in the elevations the site will benefit from good natural surveillance but the Police Architectural Liaison officer has requested that suitable CCTV details be provided.
82. The Energy and Sustainability Statement accompanying the application details has explored a range of different renewable technologies for inclusion in the development. Whilst many have been discounted for a variety of reasons, it has been suggested that both CHP (Combined Heat and Power) and Photovoltaic Panels would be an appropriate choice and would generate enough power from a renewable source to meet the 10% requirement of Policy U3 of the Local Plan. Notwithstanding the identification of appropriate technologies, the final decision on the chosen technology is still to be made and will be settled at the design phase of the project. Accordingly it will be necessary to impose a condition relating to this in order to ensure that it is provided as part of the final completed building.

Parking and Highway Implications of Development

83. As a general observation the existing surface car park has approximately 116 spaces and is well used throughout both week days and weekends. The parking provision to serve the proposed building will be greatly reduced on this number and is therefore anticipated to result in significant reductions to the volume of traffic using the existing highway network in proximity of the site. This will have a beneficial impact on the free flow of traffic using Flowers Way, which in turn will benefit the wider highway network.
84. Vehicular access into the lower ground garage will be gained from Flowers Way, which is a one-way street for private vehicles travelling westbound, with the eastbound carriageway being a bus route. The proposed access will be wide enough to provide a level two-way vehicular access ensuring that there will be no knock-on effect to the free-flow of traffic using the highway. The garage will provide 21 parking spaces, which will serve the

residential and commercial elements of the proposed development, and this clearly will not amount to every unit having access to a space and therefore some allocation of space will be necessary.

85. Those residential units without a parking space will not be permitted on-street parking permits, which in any event is not readily available in the areas immediately surrounding the site. Combined, the lack of permits and the inconvenience of parking in a detached location away from the site should encourage a more car-free development. An unallocated bay will be provided for the parking of motorcycles. It is expected and encouraged that the student accommodation will be car-free. To assist this aspiration, the site is favourably located in close proximity to both the town centre (where excellent sustainable transport options are available) and the education facilities for which the development will serve.
86. All aspects of the development will be provided accessible cycle parking, located in secure stores in garage area. The residential accommodation will benefit from 130 spaces (1 space per unit) and the student accommodation will benefit from 360 spaces (1 space per unit). There are no specific requirements to provide cycle parking contained within the current Local Plan that can be used as a guide. Nevertheless the provision that has been provided is considered acceptable and is anticipated to adequately serve the future occupiers of the development.
87. Large bin stores will be integrated into the lower ground floor level of the building and will be accessible from the public highway network for the ease of refuse vehicles.

Affordable Housing

88. Policy H5 sets an indicative affordable housing target of up to 50% within all new developments in the borough. The Strategic Housing Market Assessment of 2010 (SHMA (2010)) identified a continuing acute need for additional affordable homes within the borough but advised that, given the economic climate the affordable housing target for new developments of 15 or more units should be set at 35%. The 2012 update of the SHMA (the 2012 update) indicates a household increase for Luton of around 10,600 for the period 2011-31 and that 60% of all new housing would need to be affordable if the housing needs in the area are to be met. It is clear therefore that there is an acute need for affordable housing within the borough.
89. An Affordable Housing Viability Study carried out by Three Dragons in April 2013 for Luton Borough Council to inform and assist the affordable housing policies of the emerging Local Plan identifies that a realistic affordable housing target for mixed tenure schemes is likely to be around 15-20%. Whilst this is not adopted policy, it gives an indication of the level

of affordable housing that developments should realistically yield in the current financial climate, subject to the circumstances of the site.

90. The applicant has acknowledged the housing situation within the town (and in particular the situation surrounding affordable housing need) and supports the principle of securing an element of affordable housing from the scheme. In discussion with the Council's Housing Policy Officers, the preferred method for securing affordable housing is by way of an appropriately worded planning condition as this allows for an appropriate level of negotiation to get to a point that all parties are satisfied with. In discussion with the applicant, they have no objection to this approach, and on the basis that they have no objections to the principle of providing affordable housing, a condition is proposed to determine the quantum and type of contribution to be provided.

Infrastructure Improvements

91. The application site is located in the south of the town, where there is a significant shortage of school places available, even with the majority of schools (including all primary schools) having gone through a programme of expansion in recent years. The previous pressures were primarily focused on the primary sector but pupil projection forecasts suggest that there will be substantial demand for places between March 2012 and September 2016 as that pressure spreads to the secondary sector. Further information provided by LBC Children and Learning indicates that the pupil projections for Barnfield South Academy are also showing an increase of around 75% between now and September 2019. It is therefore clear that all developments that generate a pupil yield will be placing enormous pressure on secondary school infrastructure.
92. The proposed development will have a predicted pupil yield of 26 (21 primary and 5 secondary pupils), but given the situation surrounding education in the south of the town as explained above, existing schools in the area will not be able to absorb the anticipated pupil yield unless funding is secured for their expansion/improvement, which could result in the Council failing in its statutory duty to provide appropriate school places for the residents of the town.
93. The applicant has acknowledged the situation surrounding schools in the town and the need for additional school places to be created as a result of the predicted pupil yield from the development. As a consequence full contributions have been offered to education improvements in-line with the request made by the Council's Children and Learning Service.
94. Further to this the applicant has also acknowledged the need for each of the apartments to have access to appropriate refuse containers and has offered full contributions to waste management improvements in-line with the request made by the Council's Waste Management Service.

95. To secure the appropriate funding the applicant will enter into a S106 Agreement or appropriate Unilateral Undertaking.

CONCLUSIONS

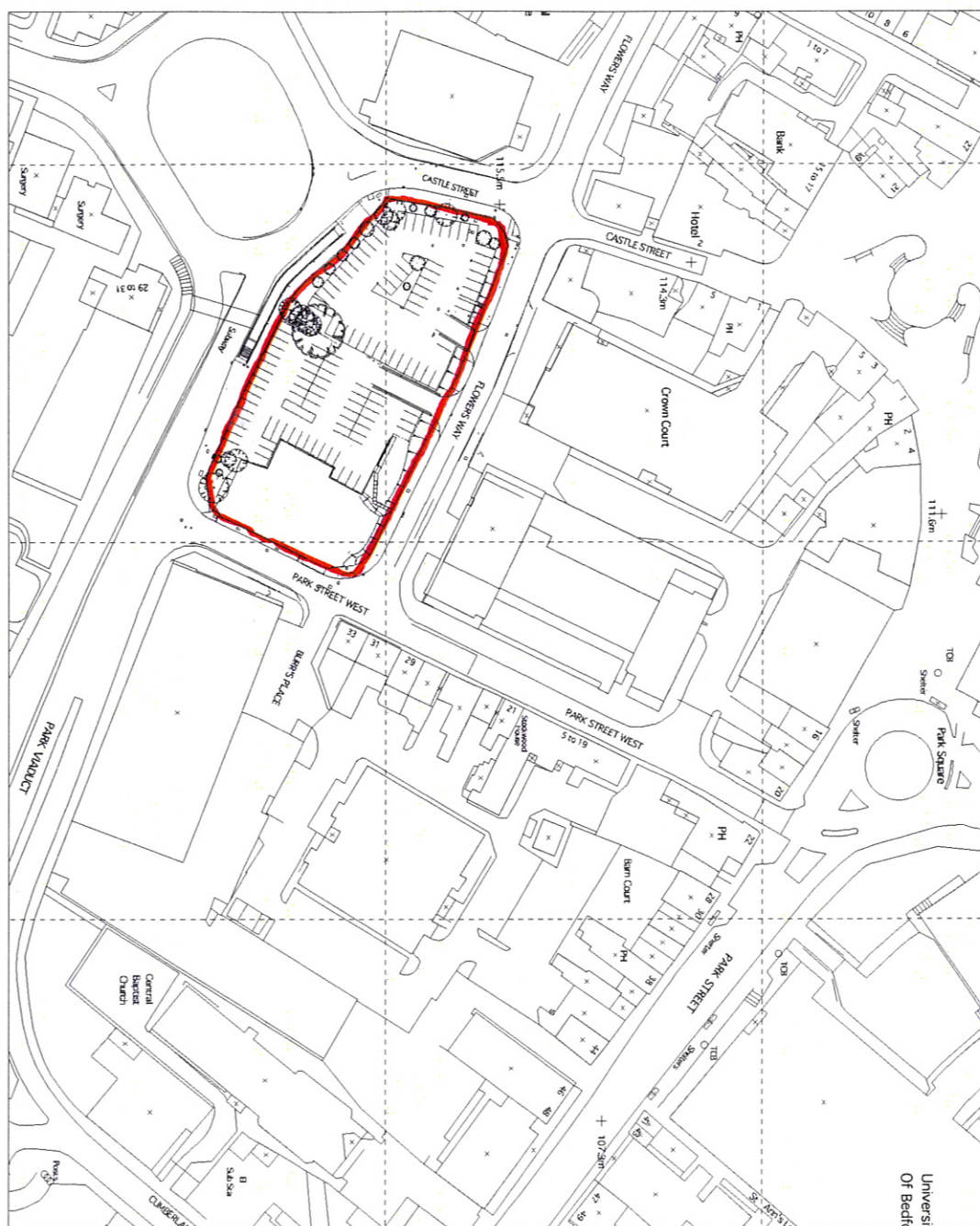
96. The proposed development is considered to provide an appropriate mix of uses that will contribute to the vibrancy and vitality of this key town centre site. It demonstrates an efficient use of a large, underused area of brownfield land and the replacement buildings and associated landscaping will result in significant improvements to the setting of an adjacent conservation area and listed buildings and to the local and wider street scene. There are no adverse effects anticipated on adjoining occupiers of the site and the location of the development and reduction in available parking suggests that there will be a limited impact occurring on the surrounding highway network. In light of the assessment contained in the foregoing report, it is recommended that planning permission be granted.

LIST OF BACKGROUND PAPERS

LOCAL GOVERNMENT ACT 1972, SECTION 100D

97. Luton Local Plan 2001–2011.
98. National Planning Policy Framework (NPPF).
99. National Planning Practice Guidance (NPPG).
100. Strategic Housing Market Appraisal (SHMA) Update 2012.
101. Affordable Housing Viability Study by Three Dragons (April 2013).

LAND OPPOSITE WHITBREAD HOUSE
FLOWERS WAY



COMMITTEE: DEVELOPMENT CONTROL

DATE: 21ST JANUARY 2015

**SUBJECT: DEPOSITED PLANS AND APPLICATIONS FOR
PLANNING PERMISSION AND OTHER PROPOSALS**

REPORT BY: DEVELOPMENT CONTROL MANAGER

CONTACT OFFICER: JACKIE BARNELL

TEL: 01582 546305

IMPLICATIONS:

LEGAL ☐

COMMUNITY SAFETY ☐

EQUALITIES ☐

ENVIRONMENT ☐

FINANCIAL ☐

OTHER ☐

STAFFING ☐

AGENDA CATEGORY: SERVICE ISSUES

WARDS AFFECTED: VARIOUS

PURPOSE

1. To submit for the Committee's consideration applications for planning permission.

BACKGROUND

2. A report will be made at the meeting on the Applications as detailed at Items 8.1 – 8.4 on the following pages and the Committee's instructions are requested.

DEVELOPMENT CONTROL COMMITTEE

WEDNESDAY 21st JANUARY 2015

RECOMMENDATION OF THE DEVELOPMENT CONTROL MANAGER

FOR APPROVAL OF PLANNING PERMISSION

APPLICATION NO: 14/01036/FUL
PROPOSAL: ERECTION OF 4 RETAIL UNITS AND 39 FLATS
COMPRISING 38 ONE BEDROOM AND 1 TWO
BEDROOM FLATS.
LOCATION: 39-47 JOHN STREET
APPLICANT: MR T. HUSSAIN
WARDS AFFECTED: SOUTH

RECOMMENDATION

APPROVE

1. Subject to the conditions set out below:

- (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) The development hereby permitted shall not be carried out other than in complete accordance with the approved plans and specifications as set out on Luton Borough Council plan numbers 01, 02, 03, 07, 08, 10, 11, 12, 13, 14 and 15.**

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 ENV9 of the Luton Local Plan.

- (03) 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 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 ENV10 of the Luton Local Plan.

- (04)** A management plan, including management responsibilities and maintenance schedules, for all internal and external and shared/common 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) LP1 and ENV9 of the Luton Local Plan.

- (05)** The garden/amenity space 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 protect the amenities of the future residents of the accommodation hereby approved. To accord with the objectives of Policy(ies) LP1, H2 and ENV9 of the Luton Local Plan.

- (06)** 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) LP1, H2 and ENV9 of the Luton Local Plan.

- (07) Samples of the materials to be used in the construction of the roof and external 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) LP1 and ENV9 of the Luton Local Plan.

- (08) Prior to the commencement of development, details of a scheme for renewable energy production equipment to provide at least 10% of the predicted energy requirements of the development shall be submitted to and approved by the Local Planning Authority, unless it can be demonstrated that there are overwhelming practical reasons why this is not appropriate. The scheme thereby approved shall be installed before first occupation or in accordance with a timetable agreed in writing by the Local Planning Authority and shall be used, retained and maintained thereafter for so long as the development remains in existence.**

Reason: In the interests of sustainability. To accord with the objectives of Policy(ies) LP1 and U3 of the Luton Local Plan.

- (09) Prior to the first occupation of the development hereby approved, a scheme to provide site security and external lighting shall be installed in accordance with details to be submitted to and approved by the Local Planning Authority beforehand. The scheme thereby approved shall be retained and maintained thereafter for so long as the development remains in existence.**

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 ENV9 of the Luton Local Plan.

- (10) Full details shall be submitted to and approved by the Local Planning Authority for the provision of a secure and convenient cycle store, which shall be installed prior to the occupation of any flat.**

Reason: To protect the amenities of neighbouring properties. To accord with the objectives of Policy(ies) LP1 and T8 of the Luton Local Plan.

- (11) Before the development is commenced a scheme for the provision of affordable housing as part of the development shall be submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:- (i) The number, type and location of the affordable housing provision to be made; (ii) The timing and the construction of the affordable housing; (iii) The arrangements to ensure such provision are affordable for both initial and subsequent occupiers of the affordable housing; (iv) The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing; (v) The means by which the scheme shall be enforced, including any necessary legal agreement if appropriate. Affordable housing provided in accordance with this condition shall be the 'social rented' sector to meet identified local housing needs unless the developer is able to demonstrate to the satisfaction of the Local Planning Authority that social rented accommodation is not appropriate on the site, in which case the affordable housing shall be provided as a combination of low-cost housing and shared ownership or, as a last resort, in the form of a commuted payment to enable the provision to be off-site.**

Reason: To ensure that provision is made for affordable housing in accordance with Policies H5 and H6 of the Luton Local Plan.

- (12) No impact piling shall take place until an impact piling method statement detailing the depth and type of piling to be undertaken and the methodology by which the piling will be carried out, including measures to prevent the potential for damage to subsurface sewerage infrastructure, and the programme for the works has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.**

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. To accord with the objective of policies LP1 and ENV14 of the Luton Local Pan.

- (13) Full details of the external treatment of the exposed flank wall of Auction House shall be submitted to and approved by the Local Planning Authority. The approved treatment shall be applied to the wall before the occupation of any of the dwellings hereby 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) LP1 and ENV9 of the Luton Local Plan.

- (14) No development approved by this planning permission (or such other dates or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority. (i) A preliminary risk assessment which has identified: All previous uses; Potential contaminants associated with those uses; A conceptual model of the site indicating sources, pathways and receptors; Potentially unacceptable risks arising from contamination of the site.(ii) A site investigation scheme based on (i) to provide Information for the detailed assessment of the risk to all receptors that may be affected, including those off site. (iii) The results of the site investigation and retained risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken (iv)**

A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and indentifying any requirements for longer-term monitoring of pollutant linkages. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect sensitive groundwater resources in line with Local Plan Policies LP1, ENV14 and NPPF paragraph 121.

- (15) No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation**

criteria have been met. It shall also include any plan (a 'longer term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The longer-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect sensitive groundwater resources in line with Local Plan Policies LP1, ENV14 and NPPF paragraph 121.

- (16) No development shall take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect sensitive groundwater resources in line with Local Plan Policies LP1, ENV 14 and NPPF paragraph 121.

- (17) If, during development contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how the unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect sensitive groundwater resources in line with Local Plan Policies LP1, ENV14 and NPPF paragraph 121.

- (18) No infiltration of surface water drainage into the ground is permitted other than with the express consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To protect sensitive groundwater resources in line with Local Plan Policies LP1 and ENV14 and NPPF Para 121.

- (19) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reasons: To protect sensitive groundwater resources in line with Local Plan Policies LP1, ENV14 and NPPF paragraph 109.

REPORT

INTRODUCTION

2. The application relates to a roughly rectangular shaped area of cleared land within the Plaiters Lea Conservation Area, located on the northern side of John Street and backing onto the River Lea.
3. John Street has undergone significant change since the time when it was a commercial area serving the hat making industry, most of the buildings have been converted to flats and several demolished and replaced by new buildings providing student accommodation, flats and retail shops.

LUTON LOCAL PLAN ALLOCATION

4. LP1, H2, H3, ENV8, ENV9, ENV10, T3, T8, IMP1, the SPD on planning obligations, and the NPPF.

POLICY IMPLICATIONS

5. Policy LP1 sets out a sustainable development strategy and will permit developments unless it is considered they would conflict with the aims or objectives of any other policies of the local plan; or fails to improve the physical environment of the town; or fails to improve the quality of lives for residents.

6. Policy H2 supports the grant of planning permission on sites not allocated for housing provided that, amongst other matters, it is previously developed land and that there would be no unacceptable effect on the environment; and there would result in a demonstrable environmental gain.
7. Policy H3 requires new residential developments to be built at a net density of 40 dwellings per hectare and above, unless it can be demonstrated that it would have a significant adverse impact on the surrounding area.
8. Policy ENV8 expects developments in Conservation Areas to preserve or enhance the appearance and character of such areas
9. Policy ENV9 stipulates that proposals for built development should enhance the appearance and character of the area and to have regard to a wide range of considerations to ensure that the development makes a positive contribution to its setting.
10. Policy ENV10 will not permit proposals that do not make adequate provision for landscaping.
11. Policy T3 is concerned with the traffic implications of development. Permission will only be granted if the proposal would not exacerbate road congestion; cause safety problems; or likely to cause demonstrable harm to the quality of the environment.
12. Policy T8 seeks to promote walking and cycling within new developments, and requires provision should be made for convenient and secure cycling parking.
13. Policy IMP1 is concerned with the level of financial contributions provided by developments and must be read in conjunction with the Supplementary Planning Document on planning obligations which assess what planning obligations should be sought from development.
14. Contributions are sought by education and the waste management service. The applicant has provided a Unilateral Undertaking to secure the contributions.
15. One of the core principles laid out in paragraph 17 of the NPPF is that development should always seek to secure high quality design and good standards of amenity for all existing and future occupants. The proposal is considered to adhere to this core principle.
16. The Framework also advises that the planning process should proactively drive and support sustainable economic development to provide houses, business units, and infrastructure.

RELEVANT HISTORY

17. In 2003 planning permission was granted for the erection of a seven storey

block of 58 flats plus basement car parking and use of ground floor as a restaurant.

TECHNICAL CONSULTATIONS

18. Highway Engineering – No objections to the application have been received.
19. Children and Learning – The demand for additional school places is particularly acute in the South area of the town. A financial contribution is sought to enable existing school places to be altered or expanded to cater for the additional pupil numbers that are likely to be generated by the proposal.
20. Strategic Planning – Amendments to the scheme have addressed the initial concerns in relation to the height and design and will result a development more in keeping with the surrounding development,
21. Waste Management – No response received.
22. Wardown Museum – No response received
23. Parks – No response received
24. Libraries – No response received
25. Thames Water – Advise that no piling shall take place until a piling method statement has been submitted to and approved in writing by the local planning authority. Informative advice is given with respect to sections of pipes that are shared with neighbours, or are connected to a public sewer.
26. Environmental Protection – Records show that the application site has been used for industrial purposes and the submitted Phase 1 report has shown that the site is considered to be potentially contaminated. Therefore a Phase 2 intrusive soil investigation should be submitted.
27. Housing Policy Officer – No interest has been received from registered providers to be involved in the scheme and therefore a commuted sum would be sought in lieu of provision of affordable housing.
28. Police Architectural Liaison Officer – No information has been provided dealing with community safety and this should be addressed by the imposition of a condition.
29. Fire Safety Officer – No response received.
30. Building Control – No objections
31. Environment Agency - No objections subject to the imposition of 6 conditions,

NEIGHBOUR CONSULTATIONS

32. A site notice was displayed and the application advertised in the local press. One hundred and fifty local occupiers were notified and no representations were received.

MATERIAL PLANNING CONSIDERATIONS

33. The main planning considerations are the impact on the Conservation Area and the amenities of neighbouring properties; the living environment created; design and parking.

IMPACT ON CONSERVATION AREA

34. The site is located on the northern side of John Street and has been cleared of all buildings following the grant of planning permission in 2003 for a seven storey building comprising 58 flats and a restaurant. The permission has since lapsed.
35. The proposal is for a five storey building abutting the back edge of the pavement, in keeping with the general building line of the street. The ground floor to the street frontage comprises retail units, which is to be found in some of the more recent developments on John Street, with residential accommodation above. The façade will be subdivided by central pillars which relate to the shop units below and provide a strong vertical emphasis and visually tie the building and the shop units together. The design of the fourth floor will be in the form of a mansard roof with dormer windows, set in from the front and rear elevations behind a parapet wall. This will add to the visual interest and ensure the building does not appear too overbearing in the street scene.
36. To the east lies Waynes Court, a 4 storey former corn warehouse dating from around 1913. This has been converted to flats with offices on the ground floor. The building was later extended to increase the number of flats in the form of a 2 ½ storey extension on the western side with three gabled dormer windows.
37. To the west, No 35 John Street is part of a scheme to redevelop the site of No's 23 to 33 John Street. The old auction rooms at No 35 were retained, this is a tall three storey building which has been refurbished and converted to a retail unit on the ground floor with residential accommodation above. A distinguishing feature of this building are the large first and second floor windows to the street frontage. No's 23 to 33 were demolished and replaced by two buildings, one behind the other. The building to the front is 4 storeys comprising retail units on the ground floor with flats above, and the building to the rear a five storey block of flats.
38. Directly opposite the site is Lester Hall, a four storey student block built in the 1990's. A four and five storey block of flats on was recently granted permission on the site of the former Melson Arms public house at the junction of John Street with Church Street.

39. The proposal follows the typical format of the more recent development along John Street, much of which consists of retail units with residential accommodation above, the schemes having attempted to replicate the architectural styles seen on earlier buildings. The proposal provides an opportunity develop this site that has remained open for many years and has become an eyesore with the consequent damaging effect on the appearance and character of the Conservation Area.
40. The Plaiters Lea Conservation Area features a variety of architectural styles and a diversity of building heights and roofspaces. It is therefore concluded that that the height of the proposed building reflects this mixed context of the surroundings and architecturally the scheme will enhance the appearance and character of the area and is thereby compliant with the objectives of Policies ENV8 and ENV9.

DESIGN

41. A traditional approach has been taken incorporating design features found in some of the older former industrial buildings within the area. The windows are divided into smaller glazing panels as found in the adjoining Auction House building. In order to avoid the appearance of one large block a vertical emphasis has been introduced by the use of central pillars, this would reflect to some degree the vertical form of some of the older buildings in the area. The external elevations would be constructed in facing brickwork, the covering of the mansard roof would be slate with slate faced dormer windows. The external materials to be used are subject to approval. It is considered that the design is consistent with the objectives of Policies ENV8 and ENV9

IMPACT ON ADJOINING OCCUPIERS

42. The western flank wall of the proposed development will abut the flank wall of the Auction House building. After demolition of the buildings on the site the exposed flank wall of Auction House was not reinstated and remnants of the demolished buildings are still attached to this property. A condition requires the proposed treatment of the part of the flank wall that will remain exposed to be submitted for approval and the work carried out before the proposed flats are occupied. The proposal will have little impact on this property.
43. To the east is Waynes Court, and 'L' shaped 2 ½ to 4 storey building. The flank wall of the 2 ½ storey element is positioned on the common boundary from which the proposed flank wall of the proposed development would be set back 2 metres, and project to the rear by approximately 7.8 metres. The north facing windows to Waynes Court are to bedrooms, bathrooms, and the stairway, with windows to the lounge and kitchen facing south. Although the outlook and light to the north facing windows will be affected by the development, it is considered that there would be no major harm to the living conditions of the occupiers of these flats.
44. The 4 storey section of Waynes Court extends up to the northern boundary with the River Lea. In the western elevation is an external stairway that has

been enclosed within a structure, and living room and bedroom windows that face towards the proposed development over a distance of 14 metres. However, there is only a small overlap between the two buildings, most of the windows being located opposite the open area to the rear of the proposed development.

45. To the north the properties on Guildford Street are three and four storey buildings that back onto the site, the River Lea, which is in a deep culvert at this point, runs between the two sites. These properties have been converted to flats, a number retaining a commercial element to the ground floor on the street frontage. Windows to these properties and the proposed development face each other over a distance of approximately 12 to 21 metres. This is below the normal adopted standard given in the guidance for residential development contained in Appendix 2 to the Local Plan. However, these standards need to be considered in the context of the overall character of the area which in this case is a tightly knit development dating from the Victorian period, where spatial distances between buildings and the level of privacy is limited. It should also be borne in mind that John Street is a narrow street with multi storey properties facing each other over across a 11 metre gap, reflecting the densely developed central area of the town.
46. It is concluded that the proposal would not cause any material harm to the amenities of the occupiers of nearby properties, and is therefore compliant with the objectives of Policies LP1, H2 of the Local Plan.

LIVING ENVIRONMENT

47. Entrance to the flats is from John Street with stairs and a lift providing access to all floors. All the flats have access from within the building to an amenity area at the rear, the ground floor flats having an enclosed outdoor area to give the occupants a degree of privacy. A refuse collection point is located on the eastern side of the block, accessed via a passageway so that the containers can be easily collected by collection crews.
48. The one bedroom flats have an internal floor area from 40 to 58 sq metres, and the two bedroom flat 66 sq metres. They have an open living area comprising a shared lounge/kitchen and dining area. All the rooms have a reasonable outlook and light penetration. It is considered that the proposal provides a satisfactory living environment for the future occupiers.

AMENITY SPACE

49. Provision is made 374 sq metres of outdoor amenity space, which includes three of the flats provided with a balcony. To meet the adopted standards provision should be made for 215 sq metres.

AFFORDABLE HOUSING

50. Policy H5 is concerned with the provision of affordable housing and sets an indicative target of up to 50% for all new developments within the Borough. However, the Three Dragons Affordable Housing Viability Study carried out

in April 2013 for the Council identifies that a realistic affordable housing target is likely to be in the region of 15 – 20% that developments could realistically yield in the current commercial climate, subject to the circumstances of the site.

51. The Council's Housing Policy Officers report that there is not interest in the site by registered providers to be involved in the scheme and therefore a commuted sum would be sought in lieu of provision of affordable housing. This can be secured by way of a condition; the applicant has agreed that he has no objection to this approach.

PARKING

52. No off Street parking is provided but the site is within the town centre with its wide range of services and facilities. Given the sustainable location no conflict is seen with Policy T13 of the Local Plan. A condition is imposed requiring the submission of details of a proposed cycle store.

CONCLUSION

53. It is considered the proposal is a satisfactory development for this site which complies with the relevant policies of the Luton Local Plan and the guidance given in the NPPF. Approval is recommended subject to the conditions set out in the report.

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

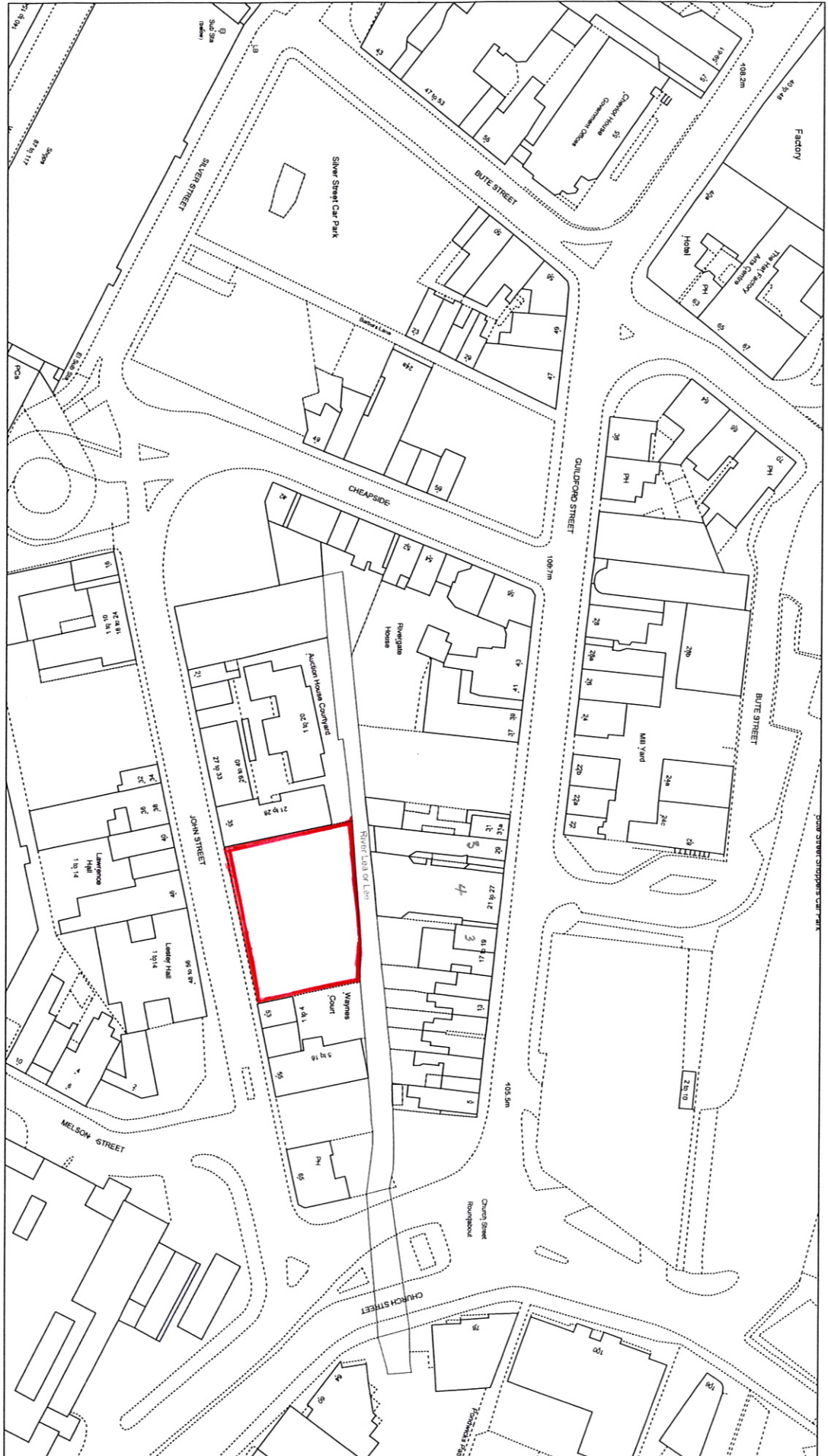
54. Luton Local Plan 2001 – 2011.
55. The NPPF.
56. File Ref. 14/01036/FUL.

39-47 JOHN STREET

Ordnance
Survey

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DEVELOPMENT CONTROL COMMITTEE

WEDNESDAY 21st JANUARY 2015

RECOMMENDATION OF THE DEVELOPMENT CONTROL MANAGER

FOR APPROVAL OF PLANNING PERMISSION

APPLICATION NO: 14/01349/FUL
PROPOSAL: ERECTION OF A THREE STOREY BUILDING TO
PROVIDE 12 ONE BEDROOM FLATS AND
ASSOCIATED OFF ROAD CAR PARKING. –
RESUBMISSION.
LOCATION: LAND ADJACENT 212 HITCHIN ROAD,
214-220 HITCHIN ROAD.
APPLICANT: MR. J. BAIG
WARDS AFFECTED: HIGH TOWN

RECOMMENDATION

APPROVE

1. 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 Policies LP1, ENV9 and ENV10 of the Luton Local Plan.

- (03)** A management plan, including management responsibilities and maintenance schedules, for all internal and external and shared/common 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 Policies LP1 and ENV9 of the Luton Local Plan.

- (04)** Samples of the external materials to be used in the construction of the walls and roof of the development hereby permitted 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 Policies LP1 and ENV9 of the Luton Local Plan.

- (05)** The windows in the southwest elevation of the development hereby permitted shall be of a fixed type except at top vent level and glazed with obscure glass for so long as the development hereby permitted remains in existence.

Reason: To protect the amenities of the adjoining dwelling at No. 212 Hitchin Road. To accord with the objectives of Policies LP1 of the Luton Local Plan.

- (06)** Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 or of the Town and Country Planning (General Development) Order, 1995, (or any Order revoking and re-enacting that Order with or without

modification) no window openings other than those hereby permitted shall be fitted in the flank elevations of the building without the prior permission of the Local Planning Authority.

Reason: To protect the amenities of neighbouring properties. To accord with the objectives of Policies LP1 of the Luton Local Plan.

- (07) Prior to commencement of development, a Method Statement shall be submitted to and approved by the Local Planning Authority showing the means by which the existing trees on the site and adjacent to the site shall be protected from damage during the course of construction. The method statement thereby approved shall be implemented in full.

Reason: To protect existing trees in the vicinity of the works hereby approved and to accord with Policies LP1 and ENV10 of the Luton Local Plan

- (08) The internal design and building specifications of the proposed development shall be such that the daytime noise level within any residential unit with windows closed shall not exceed 40dB LAeq (0700-2300) and the night time noise level within any residential unit with windows closed shall not exceed 30dB LAeq (2300-0700). The night time L_{Amax} shall not exceed 45db. Full details of noise insulation measures, including provision for powered acoustically attenuated ventilation, shall be submitted to and approved by the Local Planning Authority before any work is commenced. The approved insulation scheme shall be completed prior to the occupation of the development.

Reason: To protect the amenities of the future residents of the accommodation hereby approved. To accord with the objectives of Policies LP1 and H2 of the Luton Local Plan.

- (09) 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 Policies LP1, ENV5, ENV9, ENV10, H2, T3 and T13 of the Luton Local Plan.

REPORT

INTRODUCTION

1. The application site is an area of open land located between terrace dwellings. The site, and surrounding area, has considerable changes in land levels. The application site ascends from the highway to the rear of the site and the levels in the area generally descend from northeast to southwest. This stretch of Hitchin Road contains predominantly residential buildings but there are industrial buildings opposite the application that form Oxon Industrial Estate.
2. This application is a resubmitted scheme following a refusal in 2014 for residential development of the site on three counts; impact on the street scene, the poor living environment proposed and impact on an the adjacent dwelling. This application has sought by addressing the design and landform to overcome the previous reasons for refusal. This proposal is for a three storey building with a stepped ridge height that will provide twelve one-bedroom flats.

LUTON LOCAL PLAN ALLOCATION

3. The application site is unallocated and backs onto a site of nature conservation interest.

POLICY IMPLICATIONS

4. Local Plan Policies LP1, ENV5, ENV9, ENV10, H2, T3 and T13 and the National Planning Policy Framework.

RELEVANT SITE HISTORY

5. Erection of a 3 and 4 storey building to provide 14 one bedroom flats and associated off road car parking. Application refused 11.07.2014.
6. Prior to the submission of the current proposal pre-application advice was sought.

TECHNICAL CONSULTATIONS

7. Affinity Water – The site is located within a groundwater Source Protection Zone. This is a public water supply comprising of a number of Chalk abstraction boreholes. The construction works and site operation should be done in accordance with British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. The construction works may exacerbate existing pollution. If any pollution is found then the appropriate monitoring and remediation methods will be required.

8. Children and Learning – One bedroom units do not usually have a pupil yield.
9. Environmental Protection – Request that certain ambient noise levels based on British Standard and WHO guidelines are demonstrated to be achieved within the proposed development. If this requires windows to be closed mechanical ventilation will need installing. Also commented that placing bedrooms next to kitchens, living rooms or bathrooms in adjacent properties and next to stair wells, entrance halls or lift shafts should be avoided.
10. Highway Authority – No response received.
11. Libraries – No response received.
12. Museums – No response received.
13. Parks – No response received.
14. Veolia Water – No response received.
15. Waste Management – No response received.

NEIGHBOUR CONSULTATIONS

16. Fifty neighbouring properties have been notified and a site notice issued. One representation has been received;
 - Unit 11 Hitchin Road Industrial Estate – No parking proposed in an area with limited parking and issues and on a main road.

MATERIAL PLANNING CONSIDERATIONS

17. The application seeks permission to erect a three storey building to accommodate twelve one bedroom flats. The material planning considerations relate to Policy, street scene, design, effect on neighbouring properties, future living environment, parking, the environmental impact and the previously refused application.

POLICY

18. Policy H2 addresses the provision of additional dwellings and states permission will be granted for residential development on sites not allocated for housing provided the site is underused or previously developed, there would not be a loss of uses that have a recognised local need, it would not detrimentally affect the environment and there is good access to local facilities and public transport. The design and layout guidance in Appendices 2 and 3 of the Local Plan must also be followed.

19. The application site used to contain advertisement boards and trees prior to its clearance and given its topography it can be concluded that it is underused, there is no formal existing use of the site and it fronts Hitchin Road that has a bus route to the town centre. Arguably, the site is in walking distance to High Town District Centre. The environmental impact will be considered below.
20. The National Planning Policy Framework indicates that proposals must be considered having regard to the presumption in favour of sustainable development. Sustainable development includes development that has a high standard of design that goes beyond aesthetic considerations. These objectives have been considered in the assessment to follow.
21. Policy IMP1 is concerned with the level of financial contributions provided by developments and is read in conjunction with the Supplementary Planning Document (SPD) on Planning Obligations adopted in November 2007. Owing to the characteristics of the development proposed no contributions have been sought.

STREET SCENE AND DESIGN IMPLICATIONS

22. The previous scheme was considered an incongruous form of development that would be detrimental to the character of the street scene and failed to improve the physical environment of the town. These concerns related to that proposals' failure to respect the site and areas topography by excavating to street level and not continuing the general step down of building ridge heights in this stretch of Hitchin Road. The limited spacing between the building proposed and existing dwellings also raised concern as did the provision of dormer windows which are not evident anywhere else in the immediate vicinity.
23. The scheme now proposed has omitted a fourth storey which has allowed a lower ridge height and for part of the building to be raised from the highway. Excavation works are still proposed but the building will be raised from street level and will respect the drop in land levels. The ridge height is lower than 222 Hitchin Road. Overall the scheme has given more consideration to the areas topography and provides an integrated building that sits between the existing buildings.
24. The proposed buildings width has been reduced by 1m compared to the previous scheme. As before, it will sit approximately 1m from 222 Hitchin Road but the distance to 212 Hitchin Road has increased. Although, there is still limited spacing between buildings, given the intensive built form provided by the terraces in the area, the spacing now provided will not be significantly out of character or negative to the visual amenity of the street scene.

25. Dormer windows are still proposed, which, as noted previously, are not evident in the immediate locality. However, unlike the previous scheme, the dormers will be at eaves level rather than entirely within the roof space and are therefore level, or below, the first floor windows of 222 Hitchin Road. The dormers will therefore be less prominent and given they have been designed with a pitch roof and are in line with the windows below, the provision of these dormer windows are not now considered to be an incongruous feature.
26. The overall design of the building has been influenced by the surrounding terrace dwellings with the flat roof bay windows similar to the properties to the southwest and the other windows sizes reflective of those of the properties to the northeast. The step down design, allows for better integration within the existing terrace and the dormers and bay windows, now provides some design interest. The overall size and scale is not significantly bulky as most the buildings bulk will be screened from most public viewpoints by its front elevation. The expressed materials of slate effect roof tiles, brickwork, render and possibly timber raises no concern at this stage but a condition requiring the submission of samples is recommended.

IMPACT ON ADJOINING OCCUPIERS

27. The previous proposal was considered visually intrusive on 212 Hitchin Road and a source of overlooking of this property. The property has rear facing windows in the main bulk and flank facing windows facing the application site. The property has a patio area to the side of a rear two storey projection and the boundary before the land levels within the rear garden rise approximately 1.5m at the end of this projection, and rise again further up the garden. The patio area and ground floor windows are already screened to an extent from the application site by a bank which extends approximately 2m above the dwellings and patio land level and this also has trees on top. The greatest view of the application site is afforded to the first floor windows.
28. While it is acknowledged that the proposed development will have some impact on the rear windows of No.212, due to the buildings orientation and the existing land levels the flank windows do not currently receive direct sunlight. The approximate 3.6m spacing, notwithstanding the proposed buildings height, will allow some natural light to the flank windows. Direct sunlight to the rear facing windows will be impeded by the proposed development but only for a limited period compared to current circumstances.
29. The flank facing windows, which serve a kitchen/diner at ground level, and a bathroom and bedroom at first floor level, will look out onto the proposal. Although, the bathroom window is fitted with obscure glazing. The other flank windows view will be affected by the erection of a three storey building on the adjacent plot. However, as noted above, the building now proposed sits further from the boundary than

the previous scheme, with the main bulk (rear projections) 0.5m further from the shared boundary. The proposed buildings overall height has dropped by 0.3m and 0.6m, the former relating to the height of the building closest to 212 Hitchin Road. Furthermore, the views of the site from the ground floor windows will have already been restricted by the bank, and in spring and summer, the trees.

30. Although part of the proposed building will be close to the flank elevation of 212 Hitchin Road, however this section will only project 2.2m deeper than the rear facing windows on No. 212 Hitchin Road. Notwithstanding the three storey height and elevated siting of the proposed building, the revisions to the scheme have reduced the intrusiveness of the building to an acceptable level compared to the previous scheme.
31. Overlooking from the flank windows was a previous concern raised, however the flank windows relate to kitchen and bathrooms and as such they can be provided with obscure glazing. While obscure glazed kitchen windows are not ideal, given that the kitchens share a room with the lounges that have larger rear Juliet balconies or patio doors the need for clear glazed windows is not as vital especially considering the limited size of the kitchen area which are, in reality, unlikely to be used other than when is necessary.
32. The impact on 222 Hitchin Road was considered acceptable previously. The alterations from the previous scheme that affect this dwelling relate to the reduced ridge height, omission of a floor and the proposed installation of six flank windows. Since the proposed flank windows look onto 222 Hitchin Roads' flank wall and the other alterations reduce the proposed buildings height, the impact on this dwelling is again acceptable.
33. The properties to the rear of the site in Pomfret Avenue, which are separated from the application by the nature conservation site, will still not be considerably adversely affected.

FUTURE LIVING ENVIRONMENT

34. The proposed living environment has been improved. More window openings are proposed, some kitchens have been increased in size, the rear retaining wall has been lowered, bin and cycle store relocated and onsite parking has been removed. This has resulted in the proposed flats having a good outlook, more access to light (albeit in some cases a minimal improvement and the window sizes staying the same) and improved layout with less opportunity for noise and associated disruption. It is acknowledged that the flat units are small but given all are only one bedroom they not considered overly cramped in this instance.

35. Environmental Protection have stated that certain noise levels should not be exceeded to ensure the occupants of the proposed flats are not disturbed from external noise. A condition is recommended for the submission of a noise assessment and/or noise insulation measures.
36. Amenity space has not been specifically identified on the drawings although a front garden area is identified. The land to the rear of the building has a considerable slope and therefore it is arguable that this can be considered useable amenity space. However, a good landscaping scheme, the submission of which can be imposed by condition, may overcome some of this concern.
37. Overall, although all the concerns raised by the previous scheme have not been fully addressed, on balance, the issues that have been addressed will result in a satisfactory living environment for the buildings future occupiers.

PARKING

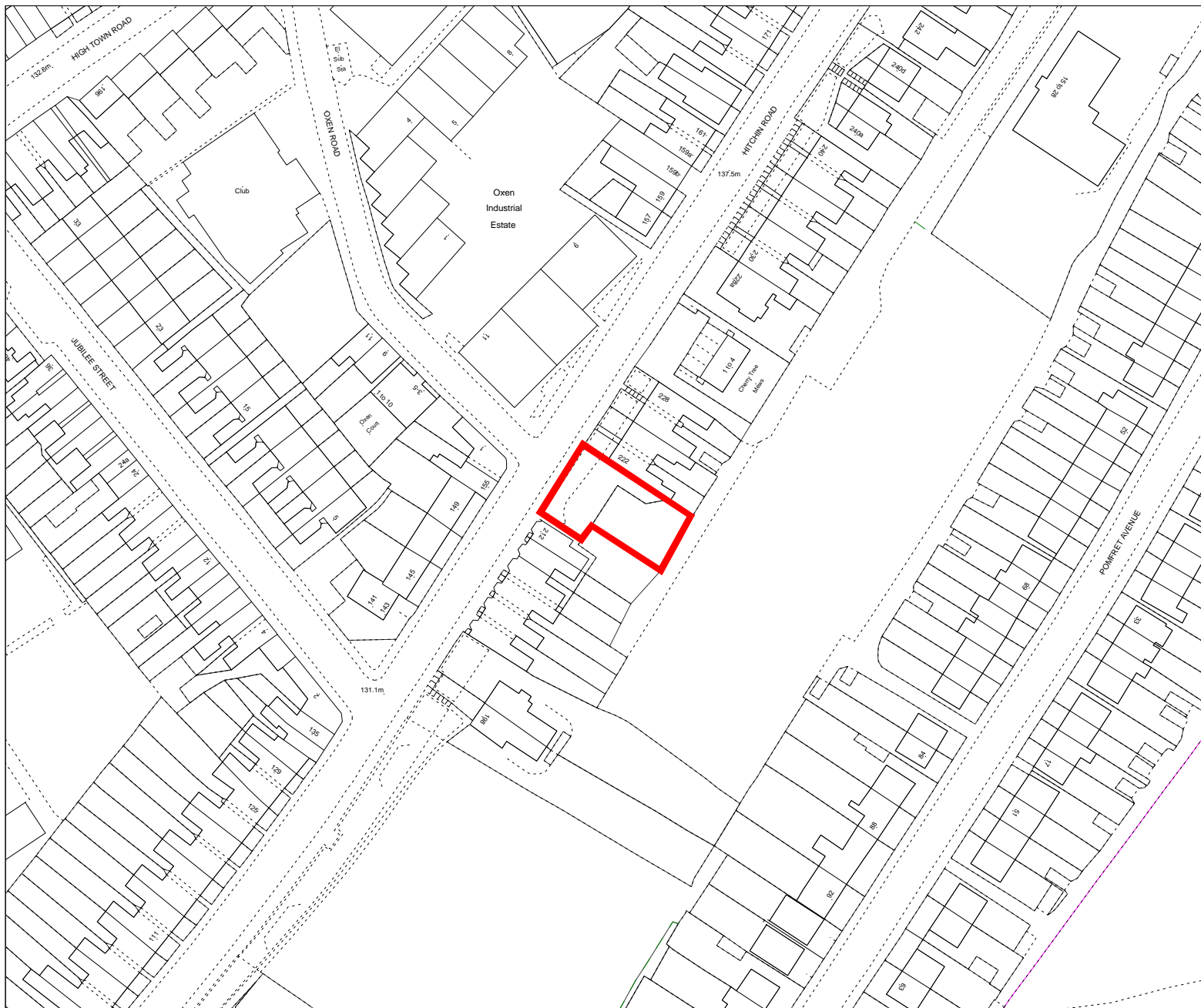
38. No parking is now proposed which has caused concern with a resident/business. The provision of twelve one bedroom flats could increase the demand for parking in an area that already has considerable on-street parking despite restrictions on surrounding roads and Hitchin Road. However, Hitchin Road is on a major bus route to and from the town centre and is within walking distance of High Town District Centre and Town Centre amenities. It is therefore considered that the site is in a sustainable location and the necessity for parking is mitigated.

ENVIRONMENTAL IMPACT

39. The site backs onto a designated site of nature conservation importance. As it was considered with the previous scheme, the proposed development is unlikely to pose a significant threat to the site but as advised previously conditions are recommended requiring care during excavation and measures to ensure tree roots are not damaged.

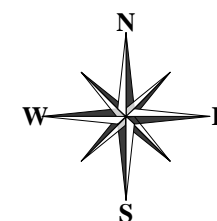
CONCLUSION

40. The revised scheme has overcome the main areas of concern raised by the previous scheme. The scheme in terms of its design and scale is more in keeping with the existing street form. The development of the site for 12 residential units will go some way to address the acknowledged housing need within the borough. It is, therefore, recommended that members approve the application subject to conditions set out in the report.



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214-220 Hitchin Road
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DEVELOPMENT CONTROL COMMITTEE

WEDNESDAY 21st JANUARY 2015

RECOMMENDATION OF THE DEVELOPMENT CONTROL MANAGER

FOR APPROVAL OF PLANNING PERMISSION

APPLICATION NO: 14/00839/FUL
 PROPOSAL: ERECTION OF SINGLE STOREY REAR
 EXTENSION, INSTALLATION OF NEW PLANT
 ACOUSTIC ENCLOSURE HOUSING NEW
 PLANT AND AIR CONDITIONING UNITS, NEW
 CAR PARK LAYOUT, LANDSCAPING WHOLE
 OF EXTERIOR AND A 1.8 METRE HIGH CLOSE
 BOARDED FENCING
 LOCATION: THE ASHCROFT ARMS, 323 ASHCROFT ROAD
 APPLICANT: BASE BUILD SERVICES LTD
 WARDS AFFECTED: WIGMORE

RECOMMENDATION

APPROVE:

1. Subject to the conditions set out below:

- (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) The development hereby permitted shall not be carried out other than in complete accordance with the approved plans and specifications as set out on Luton Borough Council plan numbers 02, 03, 05, 06, 08, 09, 10, 11, 12, 13,14,15,16.

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 ENV9 of the Luton Local Plan.

- (03) The materials used in the construction of the extension hereby permitted shall be the same colour, texture and design as the materials of the existing building.

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 ENV9 of the Luton Local Plan.

- (04) 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 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 ENV9 of the Luton Local Plan.

- (05) 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 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 a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policy(ies) LP1 and T3 of the Luton Local Plan.

- (06) 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 ENV9 of the Luton Local Plan.

- (07) Prior to the occupation of the development, external lighting shall be provided on the site in accordance with a scheme to be submitted to and approved by the Local Planning Authority before the development is commenced. The scheme, lighting equipment and levels of illumination shall comply with guidance issued by the Institution of Lighting Engineers in their publication "The ILE Outdoor Lighting Guide" and shall be accompanied by a statement from the developer confirming that compliance. The scheme shall thereafter be retained and maintained for so long as the development remains in existence and shall not be varied without the prior written permission of 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 ENV9 of the Luton Local Plan.

- (08) As a result of the proposed development and in the interests of effective traffic management, it will be necessary to impose no waiting restrictions on Marshalls Road within a period of 3 months of the date of this permission. The Council will require the applicant's to contribute up to a maximum of £2,500 towards the cost of the Traffic Regulation Order.**

Reason: To avoid traffic congestion on the highway in the interests of highway safety and convenience of pedestrians and other road users, and to protect the amenities of neighbouring properties. To accord with the objectives of Policies LP1 and T3 of the Luton Local Plan.

REPORT

BACKGROUND

2. This application was deferred at the meeting held on 15th October 2014 following information that had been received shortly before the meeting of revised details of the access and serving arrangements which Highway Engineering found to be unsatisfactory.

3. Since the report was written it has come to light that the site identified in the application was incorrect and should not have included the entire pub site. The north eastern end of the plot, an area of some 357 sq. metres and shown as green space in the application, is to be retained by Punch Taverns. Local residents have been informed of this change.
4. Highway Engineering are concerned that the proposed parking and servicing arrangements would not allow easy access for deliveries and some of the parking spaces may be difficult to access. This could lead to vehicles parking on Marshall Road and causing an obstruction, and it was therefore considered necessary that on street parking restrictions should be imposed on Marshalls Road.
5. Revised details have been received which Highway Engineering have found satisfactory. Morrison's have stated their willingness to contribute up to a maximum of £2500 towards the cost of preparing a Traffic Regulation Order.
6. A further condition has therefore been imposed (08) to secure the contribution

APPENDIX

7. Development Control Manager's Report dated 15th October 2014 to Development Control Committee.

CONCLUSIONS

8. The revised parking and servicing arrangements are satisfactory and it is recommended that planning permission be granted subject to the above conditions.

APPENDIX 1

DEVELOPMENT CONTROL COMMITTEE

WEDNESDAY 15TH OCTOBER 2014

RECOMMENDATION OF THE DEVELOPMENT CONTROL MANAGER FOR APPROVAL OF PLANNING PERMISSION

APPLICATION NO: 14/00839/FUL
PROPOSAL: Erection of single storey rear extension, installation of new plant acoustic enclosure housing new plant and air conditioning units, new car park layout, landscaping whole of exterior and a 1.8 metre high close boarded fencing.
LOCATION: The Ashcroft Arms, 323 Ashcroft Road
APPLICANT: Base Build Services Ltd
WARDS AFFECTED: Wigmore

RECOMMENDATION

APPROVE

1. Approve subject to the conditions set out below:

- (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) The development hereby permitted shall not be carried out other than in complete accordance with the approved plans and specifications as set out on Luton Borough Council plan numbers 02, 04, 05, 06, 07, 08, 09, 10 and 11.

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 ENV9 of the Luton Local Plan.

- (03) The materials used in the construction of the extension hereby permitted shall be the same colour, texture and design as the materials of the existing building.

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 ENV9 of the Luton Local Plan.

- (04) 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 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 ENV9 of the Luton Local Plan.

- (05) 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 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 a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policy(ies) LP1 and T3 of the Luton Local Plan.

- (06) 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 ENV9 of the Luton Local Plan.

- (07) Prior to the occupation of the development, external lighting shall be provided on the site in accordance with a scheme to be submitted to and approved by the Local Planning Authority before the development is commenced. The scheme, lighting equipment and levels of illumination shall comply with guidance issued by the Institution of Lighting Engineers in their publication "The ILE Outdoor Lighting Guide" and shall be accompanied by a statement from the developer confirming that compliance. The scheme shall thereafter be retained and maintained for so long as the development remains in existence and shall not be varied without the prior written permission of 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 ENV9 of the Luton Local Plan.

- (08) Details shall be submitted to and approved by the Local Planning Authority for the provision of secure and convenient cycle parking, and for the provision of a dustbin/enclosed refuse collection area which shall be installed prior to the commencement of use of the building.

Reason: To protect the amenities of neighbouring properties. To accord with the objectives of Policy(ies) LP1 and T8 of the Luton Local Plan.

REPORT

INTRODUCTION

2. The application is for Committee determination at the request of Councillors Moles and Rivers, and a petition received objecting to the proposal.
3. The application relates to the former Ashcroft Arms public house, located on the junction of Ashcroft Road with Marshall Road, which lies within a predominantly residential area. The retailer, Morrisons, are proposing to change the use from a public house (Class A4) to a retail shop (Class A1) which is permitted development under the Use Classes Order, and is therefore not part of the consideration of this application.

LUTON LOCAL PLAN ALLOCATION

4. The site has no land use allocation on the Luton Local Plan Proposal Map. Luton Local Plan. The Policies that are relevant to the determination of the application are LP1, ENV9, T3, T13 and the NPPF

POLICY IMPLICATIONS

5. Policy LP1, amongst other matters, would not permit development that does not improve the physical environment of the town, or improve the quality of life for residents.
6. Policy ENV9 sets out a number of criteria relating to design and expectations of development which includes that development should seek to enhance the character and appearance of the area and respect scale and proportions of existing buildings.
7. Policy T3 is concerned with the traffic implications and will not permit developments that will create highway safety problems.
8. Policy T13 sets out the maximum parking standards given in Appendix 4 to the plan.
9. Paragraph 215 of the NPPF advises that full weight can be given to local policies that are broadly consistent with the Framework.

PREVIOUS HISTORY

10. Two planning permissions granted in the 1980's relate to external alterations to the public house and are of little relevance to the determination of this application.

TECHNICAL CONSULTATIONS

11. Highway Engineering – The supermarket layout does not allow easy access for deliveries. Marshall Road is approximately 4.8 metres wide leading to Littlefield Road, which is narrower. These roads do not allow easy manoeuvring for HGV's, and the roads of the housing estate are such that no HGV could turn round and drive back out on to Ashcroft Road. There is concern should a HGV park on Marshall Road it will make it difficult for car drivers to pass, and parking on the footway would cause damage to the footpath and be hazardous for pedestrians.
12. The parking layout is such that driving forward into the disabled bay and those three next to it cannot be done in one manoeuvre. This is due to the position of the crossover and it may be possible can be overcome this by placing the crossover in the middle of the two parking rows, which should be wide enough for delivery vehicles so they can be unloaded by parking in the central aisle between the parking bays. This should be demonstrated that it is possible by vehicle tracking drawings.

13. The second of the existing crossovers should be removed as it leads onto a landscaped grassed area on which vehicles will be encouraged to park vehicles to park. The area should be fenced along Marshall Road and only accessed for maintenance purposes via the car park.
14. Bollards or other measures should be provided along the back of the footpath to prevent drivers driving on to frontage of the supermarket to Marshall Road.
15. Police Architectural Liaison Officer – No comments received
16. Environmental Protection – Have withdrawn their objections to the proposal following the submission of further information, and are satisfied that the new plant will not cause a noise nuisance to nearby residential properties.

NEIGHBOUR CONSULTATIONS

17. A site notice was displayed and 14 local residents notified. Two letters of objection were received and a petition signed by 400 local residents.
18. Concerns cited in the letters relate to noise and disturbance, limited provision for off street parking leading to parking on Marshall Road, and there is no need for another supermarket in the area. This last point is not a matter for consideration since planning permission is not required for the intended use of the existing building.
19. The petition relates to the loss of the public house which should be retained as a community use. Similarly, given that planning permission is not required for the use of the premises for retail purposes, this cannot be a matter for consideration by the Planning Authority.

MATERIAL PLANNING CONSIDERATIONS

20. The main planning considerations are the impact of the development on the street scene, and parking and servicing

STREET SCENE IMPACT

21. An existing wooden structure to the rear of the premises will be demolished and replaced by a slightly taller brick built building. Attached to the rear of the extension it is proposed to erect a 2.1 metre high timber acoustic enclosure housing plant air conditioning units and gas cooler units.
22. The proposed extension will be located on the south eastern boundary, at the furthest point from Marshall Road, from where it can be seen. There are proposed alterations to the north western elevations of the pub which involve replacement of three windows with entrance doors. The forecourt to Ashcroft Road will be enclosed by 1.8 metre close boarded fencing. It is considered that no harm would be caused to the appearance and character of the area and therefore not conflict with Policies LP1 and ENV9.

IMPACT ON ADJOINING OCCUPIERS

23. To the south east of the site is No 325 Ashcroft Road, a semi detached chalet bungalow. The existing timber building that is to be replaced is to the rear of the pub and on the common boundary, located 7.4 metres to the rear of the bungalow. The depth of the replacement building would remain the same, but the height would be increased by 600mm to 3.3 metres. The 2.1 metres high acoustic enclosure attached to the rear of the new extension would extend a further 4.96 metres and be set in 1 metre from the boundary. The rest of the boundary is a row of conifers, approximately 4 metres in height. It is considered that the proposal would not cause any material harm to the living conditions of the occupiers of No 325.
24. The Environmental Protection team are satisfied that the new plant and air conditioning equipment would not be a source of noise nuisance to nearby residential properties
25. The proposal would have little impact the other residential properties that adjoin the site.
26. It is concluded that the proposal is compliant with the objectives of Policy LP1

PARKING AND SERVICING

27. The large expanse of unsightly hardstanding that formed the parking area for the former pub will be reduced in size to provide an area of green space. Thirteen parking spaces are proposed, including one space for the disabled. The adopted parking standards contained in Appendix 4 to the local plan set out the maximum parking provision for developments. In the case of retail shops there is no set standard where the floor space, as in this case, is below 1000 sq metres. In these situations the parking amount will be determined having regard the Borough Council's transportation policies and objectives set out in the Local Plan. The proposed parking provision is considered satisfactory.
28. Highway Engineering have raised a number of concerns relating to the layout of the car parking area and the ability of HGV's to enter and exit the site, along with several other issues. The Agent is aware of this which he is seeking to address. A further report will be made at the meeting.

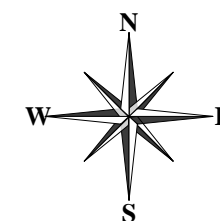
CONCLUSIONS

28. The proposal would not have a detrimental impact on the appearance and character of the area or the amenities of neighbouring properties. Subject to the issues raised by Highway Engineering being resolved it is recommended that planning permission be granted subject to the above conditions.



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**The Ashcroft Arms
323 Ashcroft Road**

DEVELOPMENT CONTROL COMMITTEE

WEDNESDAY 21st JANUARY 2015

RECOMMENDATION OF THE DEVELOPMENT CONTROL MANAGER

FOR APPROVAL OF PLANNING PERMISSION

APPLICATION NO: 14/01215COU
 PROPOSAL: CHANGE OF USE FROM A1 TO A5 (PIZZA HUT)
 AND INSTALLATION OF SHOP FRONT AND
 EXTRACT/VENTILATION TO THE REAR.
 LOCATION: UNIT 3, CRYSTAL HOUSE, 49A NEW BEDFORD
 ROAD
 APPLICANT: YUM! III (UK) LTD
 WARDS AFFECTED: BISCOT

RECOMMENDATION

APPROVE

1. Subject to the conditions set out below:

- (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) The development hereby permitted shall not be carried out other than in complete accordance with the approved plans and specifications as set out on Luton Borough Council plan numbers 01, 02, 03, 05, 06, 07, 08, 09, 10, 11, 12, 13 and 14.

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, ENV9, S1, T3, T13 and CA1 of the Luton Local Plan.

- (03) The use hereby permitted shall not operate outside the following hours: Mondays to Fridays, 10.00 - midnight, Saturdays, 10.00-midnight, Sundays and Bank Holidays, 10.00 - midnight.

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 CA1 of the Luton Local Plan.

- (04) No goods, waste or other materials shall be stored outside the building(s) in the open except in such locations and containers (including skips) as may be approved beforehand by the Local Planning Authority.

Reason: To enable the Local Planning Authority to exercise proper control over development within a designated Conservation Area. To accord with the objectives of Policy(ies) LP1 and CA1 of the Luton Local Plan.

- (05) No goods or materials shall be sold, stored or displayed on the forecourt and no vehicles shall be parked, loaded or unloaded thereon.

Reason: To enable the Local Planning Authority to exercise proper control over development within a designated Conservation Area. To accord with the objectives of Policy(ies) LP1 and CA1 of the Luton Local Plan.

- (06) A management plan to include general management responsibilities for the home delivery service and the control of litter associated with the operation of the takeaway 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) LP1 and CA1 of the Luton Local Plan.

REPORT

INTRODUCTION

2. The application site relates to a vacant shop unit located on the ground floor of Crystal House which is three storey building situated on the south-western corner of the junction with New Bedford Road and Telford Way. The last recorded use has been identified as a unit selling ink cartridges.
3. The application is being considered by Members due to the number of objections received.

LUTON LOCAL PLAN ALLOCATION

4. Central Area

POLICY IMPLICATIONS

5. LP1, ENV9, S1, T3, T13 and CA1

National Planning Policy Framework (NPPF)

6. The NPPF identifies a set of core land use planning principles which should underpin both plan-making and decision making. In para 23 local authorities should promote competitive town centres that provide customer choice and diverse retail offer and which reflect the individuality of town centres and define primary and secondary frontages with policies that clearly define which uses will be permitted in such locations.
7. Paragraphs 214 and 215 of the NPPF make clear that where a local authority does not possess a development plan adopted since 2004, due weight may only be given to relevant policies in existing plans according to their degree of conformity with the NPPF. Moreover, the government has also released further planning practice guidance which has been taken into consideration.
8. In this instance, the relevant local plan policies possess a good degree of conformity with the requirements of both the NPPF and the Planning Practice Guidance. As such, considerable weight may still be given to the requirements of policies LP1, ENV9, S1, T3, T13 and CA1 of the Luton Local Plan.
9. The Luton local Plan was adopted in 2006 and therefore remains the starting point for the assessment of this proposal.
10. Policy LP1 supports development which maximises an opportunity to improve the quality of life of residents and visitors, using land, buildings and materials efficiently.
11. Policy ENV9 supports development which will enhance the character and appearance of an area, by respecting the scale and proportion of existing buildings, and heights within the streetscene.
12. Policy S1 seeks to protect the existing shopping policy areas;
13. Policy T3 – seeks to ensure that traffic implications of development will not exacerbate road congestion or cause safety problems for pedestrians and other road users.
14. Policy T13 – relates to the proposed parking provision which should not exceed the maximum standards set out in Appendix 4 of the Luton Local Plan.
15. Policy CA1 relates to the Central Area where development should contribute to enhancing the role as a mixed use area in which to live, work, shop and play.

PREVIOUS HISTORY

16. No relevant planning history.

TECHNICAL CONSULTATIONS

17. Environmental Protection – No objection.
18. Highway Engineering – No objection.
19. Environmental Health – Any comments will be reported to the meeting.
20. Waste Management – No comments to make.

NEIGHBOUR CONSULTATIONS

21. The application has been notified to 11 adjoining occupiers and a site notice has been erected.
22. Nine letters of objection and a petition of 15 names have been received. However, 8 of the persons named on the petition have failed to provide an address or business name. Due weight has been given to these concerns.
23. The following issues have been identified:
 - Insufficient parking provision
 - Additional noise, litter and general disturbance
 - Traffic implications;
 - Unsatisfactory management of adjoining fast food takeaways;
 - Highway and pedestrian safety;
 - Proliferation of fast food outlets within the town centre;
 - Adjoining unit is already operating as a Pizza takeaway;
 - No justification to support the loss of local convenience store contrary to Policy S4;
24. Concerns regarding the presence of an existing pizza takeaway unit within the same parade cannot be considered as a material planning consideration as this issue falls within the remit of competitive town centre uses and is dealt with in greater detail in the Policy section of the report (see paragraph 28).

MATERIAL PLANNING CONSIDERATIONS

25. The material planning considerations relate to the implications on policy, impact on the character of the area, adjoining occupiers, parking and highway safety.

POLICY

26. Para 23 of the NPPF advises Local Planning Authorities should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality and promote competitive town centres that provide customer choice and a diverse retail offer.

27. The town centre retail strategy identified in Policy S1 of the Luton Local Plan applies a sequence of preferred locations when considering proposals for retail development. The ground floor of Crystal House, is not within a designated shopping frontage although still within the Central Area of the town and therefore in principle the change of use from A1 to A5 would not impact on the viability of the town centre policy shopping area identified in Policy S1 and is supported by Policy CA1 which promotes the role of the Central Area as a mixed use area in which to live, work, shop and play.
28. With regard to the issue of siting a new pizza takeaway unit adjacent to an existing one, it should be pointed out that it is not the purpose of the planning system to restrict competition within the town and the location of a takeaway use within this edge of town centre frontage does fulfil the role of central area policy and promotes its efficient and effective operation as a competitive sub-regional centre.
29. It has been referred to in letters of representation that the proposal does not comply with Policy S4. This policy seeks to protect existing shops selling convenience goods unless there are equivalent alternative shopping facilities within a convenient walking distance of all parts of the catchment area of the existing shop. The location of the site within the Central Area of the town, and its close proximity to the Bury Park District Centre, demonstrates that there is a diverse range of convenience goods still on offer, all of which are within walking distance of the site. Therefore the criteria contained within Policy S4 cannot be applied.
30. It is therefore considered that the loss of this retail unit is acceptable in terms of both national and local planning policy.

CHARACTER OF THE AREA

31. The application site is located on the edge of the town centre and is set back from the Telford Way/New Bedford Road roundabout by approximately 10m of footpath comprising a landscaped area complete with benches. This area is enclosed by metal railings. To the south, at the rear of the parade, is designated parking for users of Crystal House. To the west of the site is a public car park.
32. The parade itself supports a number of independent shops, a bar, a firm of solicitors, sandwich bar and a takeaway pizza shop. Above the parade are two floors devoted to office use. Apart from Unit 3, there is also another vacant unit within the parade, the presence of which does not enhance the visual amenities of this edge of town centre location.
33. The change of use will complement the range of goods and services offered within the parade of shops and make it an attractive area serving visitors, workers and residents. As such the proposal will not detrimentally impact on the character of the area.

IMPACT ON ADJOINING OCCUPIERS

34. In terms of the amenities of adjoining occupiers is concerned there are no residential uses which directly abut the site. However, concerns have been identified by some adjacent businesses with regard to the increase in noise, litter, waste and general disturbance.
35. Taking each of these points in turn, it is acknowledged that with any fast food outlet there may be an increase in the generation of noise, litter and waste. The applicant has demonstrated, in the supporting information, that the type of filtration equipment proposed will mitigate any harmful impacts in terms of noise, vibration, smell and odour to the satisfaction of the Council's Environmental Protection Department.
36. Moreover, with regard to the control of litter and the management of waste, the applicant has indicated that general waste and mixed recycling will be housed in the existing secure bin storage area within the rear car park. Food waste will be stored within the rear yard of Unit 3 and this will be emptied 2-3 times per week by agreement. A condition requiring that a management plan be submitted to deal with litter would form part of any consent.
37. On balance it is considered that the proposal will not injuriously impact on the amenities of adjoining occupiers.

DESIGN

38. The existing shop front comprises a slightly inverted off centre doorway with fully glazed windows either side. The proposed shopfront now locates the doorway to the left-hand side, with one fully glazed window on the right-hand side. Advertisement consent has already been approved for the corporate Pizza Hut logo of white lettering on a red background.
39. The proposed external alterations involve replacing a dilapidated shopfront with a new aluminium and glazed one. No details have been provided with regard to the design of roller shutters and therefore planning permission will be required in future.

PARKING AND HIGHWAY SAFETY

40. The primary concerns expressed by objectors are the impact of the proposal on parking and highway safety.
41. The application emphasises that the majority of trade will be geared towards the home delivery service and this will reduce the number of individuals visiting the site. As the site lies adjacent to a strategic junction there is little opportunity for kerb side parking added to which there is a continuous line of railings which make access from kerb to unit impossible. It is therefore unlikely that the change of use will exacerbate highway safety. Furthermore, the highway authority have

not identified any issues and on this basis in terms of highway safety the proposal is acceptable.

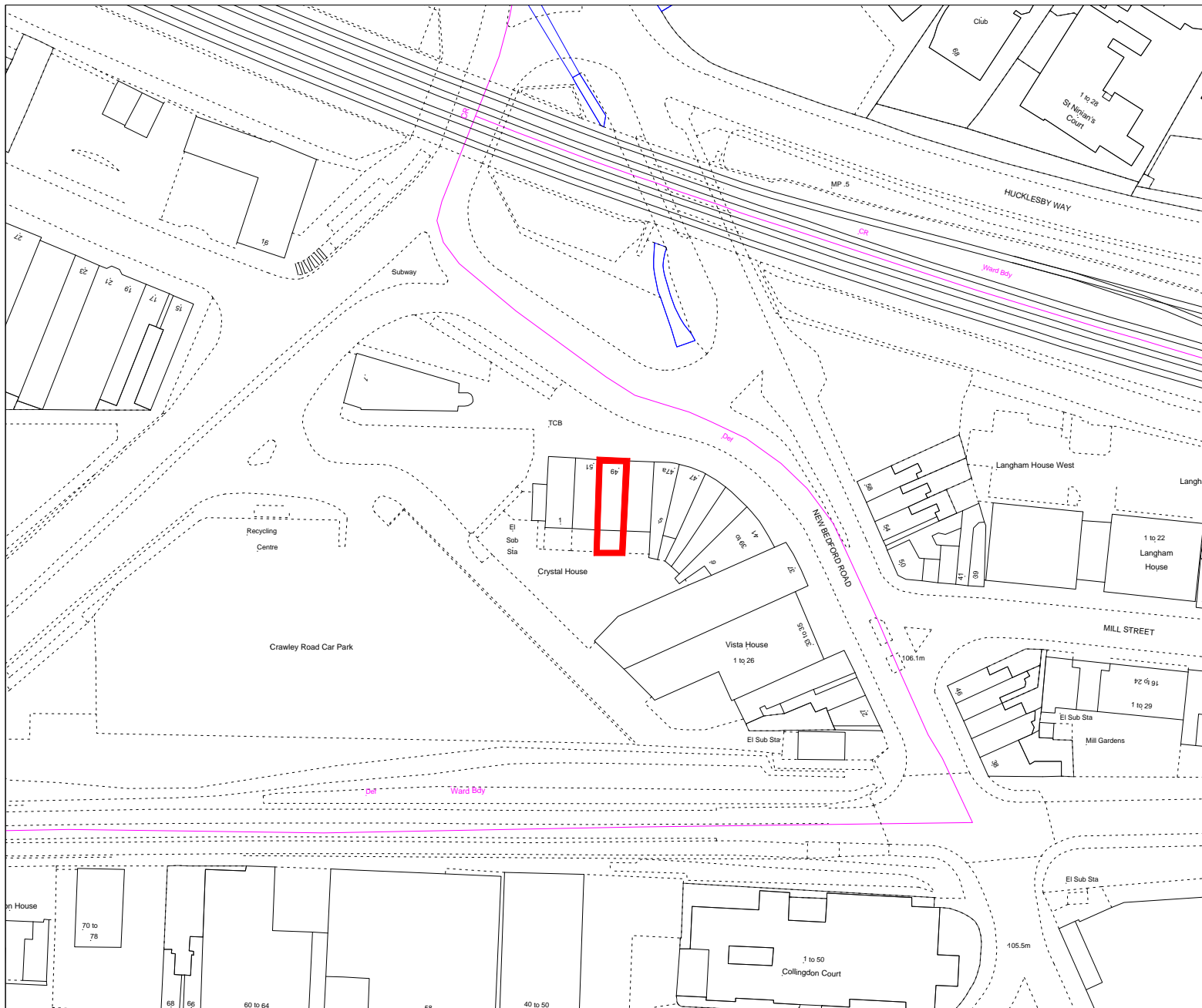
42. In terms of parking, Appendix 4 of the Luton Local Plan states that for takeaway uses there should be one space per 30sqm. The floor area involved is approximately 60sqm. Crystal House benefits from a dedicated car park located to the rear of the building and there is a large car park for public use immediately abutting this one. One parking space has been allocated for the use of Unit 3 and there is also moped storage to the rear of the unit.
43. The proposal will create 8 full time and 14 part time jobs. Whilst the lack of parking has been identified by a number of objectors as a cause for concern, the site is in a sustainable location within the town centre, where access to various modes of public transport are available and therefore the majority of employees can access work by different types of transport. In terms of the home delivery service, whilst it is not known how many vehicles would be involved in operating this service, there is a dedicated moped bay located within the site. Furthermore, the management of the delivery service can be included in the management plan condition.
44. The proposal is therefore considered acceptable in terms of parking and highway safety.

CONCLUSIONS

45. The change of use and external alterations proposed to retail Unit 3 at 49 Crystal House comply with both national and local policy and therefore the impact on the character of the area, amenity of adjoining occupiers and parking and highway safety is considered acceptable.
46. The proposal is recommended for approval.

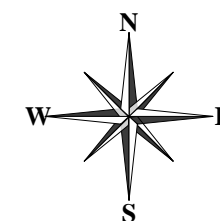
LIST OF BACKGROUND PAPERS **LOCAL GOVERNMENT ACT 1972, SECTION 100D**

47. Luton Local Plan 2001-2011.
48. National Planning Policy Framework (the Framework).
49. Supplementary Planning Document: Planning Obligations (2007).



Luton Borough Council Environment & Regeneration

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