

Committee:	Development Control		
Date of Meeting:	30 September 2020		
Subject:	20/00705/FUL: Erection of 2 no. three bedroom dwellings following demolition of existing derelict house and garage. Resubmission		
Address:	Woodbury, Woodbury Hill Path, Luton		
Applicant:	Warfield.		
Report Author:	Head of Development Management		
Contact Officer:	Gemma Davies		
Implications:	Legal <input checked="" type="checkbox"/>	Community Safety <input checked="" type="checkbox"/>	
	Equalities <input checked="" type="checkbox"/>	Environment <input checked="" type="checkbox"/>	
	Financial <input type="checkbox"/>	Consultations <input checked="" type="checkbox"/>	
	Staffing <input type="checkbox"/>	Other <input checked="" type="checkbox"/>	
Wards Affected:	Round Green		

Purpose

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

Recommendations

2. It is recommended to the Committee:
 - (i) That the reasons for approval set out in this report are agreed;
 - (ii) That planning permission is granted, subject to the conditions set out below;
 - (iii) That delegated authority is granted to the Head of Development Management to make minor alterations to the conditions following any Committee resolution to grant permission (should any be required);
 - (iv) That following any grant of permission that delegated authority is granted to the Head of Development Management to determine any subsequent planning applications related to this development seeking either minor material amendments (Section 73 applications) or minor variations to the accompanying legal agreement (Section 106A applications):

Conditions ('Appendix 1')

- (01) *Period of Consent;*
- (02) *Approved Plans and Documents;*
- (03) *Landscaping;*
- (04) *Landscaping Management Plan;*
- (05) *Boundary Treatment;*
- (06) *Car Parking Available;*

- (07) **Refuse and Recycling Storage;**
- (08) **Refuse and Recycling Management;**
- (09) **External Materials;**
- (10) **CMS;**
- (11) **Visibility Splays;**
- (12) **Protected Species; and**
- (13) **Compensatory Habitat.**

Background

The Site

3. The application relates to a split-level detached dwellinghouse known as Woodbury. The property is accessed from Woodbury Hill Path, a private road with an access on Wardown Crescent. Woodbury Hill Path is sandwiched between Wardown Crescent which lies to the west and Mountfield Path which lies to east. It is located on a sharp hill gradient with land rising to the east.

Fig. 1: Site Location Plan



Site History

4. The application comprises a resubmission of a previously refused scheme (ref: 20/00155/FUL), which Members may recall was presented to Committee on 28th May 2020 at the request of Cllr. Andrew Malcolm, together with the number of objections to the proposals. This scheme was refused by Members for two reasons, the first relating to details of access from the track to the site and the second concerned the privacy implications for adjoining occupiers. The original report is provided at 'Appendix 4' of this report.
5. Prior to the above application, planning permission was refused for two former applications for similar forms of development over the past 12 months (refs:

19/00686/FUL and 19/01539/FUL). These proposals were considered to be over-intensive and to significantly alter the rural character of the surrounding area, materially affecting neighbouring occupiers with implications in terms of highway and pedestrian safety.

The Proposal

6. Full planning permission is again sought for the erection of two, three bedroom dwelling houses following the demolition of the existing bungalow and garage to the site.
7. The current scheme is in keeping with the former scheme presented however provides further detail in relation to the proposed landscaping to the site and supporting documentation to demonstrate the achievability of the proposed direct access to the development.

Policy Implications

National Planning Policy Framework (NPPF, or the Framework)

8. The revised National Planning Policy Framework (NPPF, or the Framework) was published in June 2019 and replaces the previous NPPF (2012). It provides guidance as to how the government's planning policies are expected to be applied. The core principle of the revised Framework is a "presumption in favour of sustainable development". However, this does not change the statutory 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 must be taken into account in preparing the development plan and is a material consideration in planning decisions.
9. Paragraph 38 of the Framework advises that local planning authorities should approach decision making in a positive and creative way and should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible. Discussions have taken place with the applicant following the requirement for the application to be determined by the Development Management Committee.

Planning Policy Guidance (PPG)

10. The guidance was published in March 2014 and has been maintained in support of NPPF policy.

Luton Local Plan 2011-2031

11. The application site is located within the Bradgers Hill Corridor Area of Great Landscape Value within the Luton Local Plan 2011-2031. Relevant policies are, therefore, as follows:
 - *Policy LLP1 (Presumption in Favour of Sustainable Development)*: sets out a sustainable development strategy for the Borough;
 - *Policy LLP15 (Housing Provision)*: considers the provision of housing within the Borough;
 - *Policy LLP25 (High Quality Design)*: seeks to have development enhance the character of an area, respond positively to the local context, minimise adverse

amenity implications, optimise a site, achieve adopted standards and create attractive and safe spaces;

- *Policy LLP29 (Landscape and Geological Conservation)*: seeks to protect, conserve or enhance the character, setting and natural beauty of national and local landscape areas according to a hierarchy of designations;
- *Policy LLP31 (Sustainable Transport Strategy)*: sets out the sustainable transport strategy and stipulates that development will be permitted where it minimises the need to travel, reduces congestion and provides sustainable transport choices; and
- *Policy LLP32 (Parking)*: considers the parking requirements of development.

Consultation Responses

Technical Consultation

12. Comments were received from three technical consultees in relation to the proposals. The technical consultees together with the responses received are captured at 'Appendix 2' of this report.

Statutory Public Consultation

13. The application was notified to 29 properties in close proximity to the site and a site notice was posted on the 3rd July. To date, 10 representations of objection have been received. The issues raised are captured at 'Appendix 3' of this report.

Report of the Officer

14. As noted previously, the application constitutes a resubmission of a previously refused scheme. Matters relevant to the consideration of this revised planning application comprise the previous reasons for refusal, namely:

1. Details of access to the site from the existing access road; and
2. Privacy implications for adjoining occupiers.

Principle of Development

15. The principle of development was not previously identified as being of material concern. Given that the revised scheme constitutes a near-identical form of development, it remains that the principle of development is considered to be acceptable.

Design and the Surrounding Area

16. The design and wider implications of the development, including upon the surrounding AGLV, are similarly identical and did not previously constitute a reason for refusal. For this reason, no material harm is identified within the resubmission.

Living Environment for Future Occupiers

17. As previously, the revised development offers no material change to the living environment of future occupiers of the two dwellinghouses. The scheme is, therefore, found to once more be acceptable in this regard.

Amenities of Adjoining Occupiers

18. The second reason for refusal of the previous scheme concerned the opportunity for overlooking from the site into adjoining properties. Matters of visual intrusion, outlook, light and noise were not provided as reasons for refusing the development. It, therefore, remains for the Applicant to demonstrate that the latest iteration of development has sought to appropriately address this issue. In seeking to do so, the revised application is supported by a planting schedule and planting management plan. As previously, all representations have been considered.
19. The submitted plan indicates that significant planting will be provided along the northern, southern and western boundaries of the site, seeking to provide visual screening to the proposed dwellings in relation to the adjacent properties that lie to the north and south of the application site, as well as properties along Wardown Crescent, which lies to the west. The planting will incorporate Cupressus and Leylandii hedging, ranging between 2.25 and 4ms in height, to the north and south perimeters of the site. Leylandii hedging provides extensive coverage and is suitable for all soil types, recognised for its ability to provide effective privacy and noise suppression. This will also be planted along the frontage of the properties and above the retaining wall to the site along with additional tree planting.

Fig.2 Proposed Planting Plan



20. The submitted 'Design and Access Statement' provides detailed analysis of the visual impact of the development on the surrounding development incorporating sectional drawings and site line illustrations. This concludes that, due to both prevailing and resultant level differences, interface distances and the proposed planting to the boundaries of the site, the development will not have a materially harmful impact on the visual amenities of properties on Wardown Crescent, to the west, Mountfield Road to the east and the neighbouring properties located directly adjacent to the site to the north and south.

Fig.3 Proposed Sectional Drawing showing the development in relation to properties on Wardown Crescent

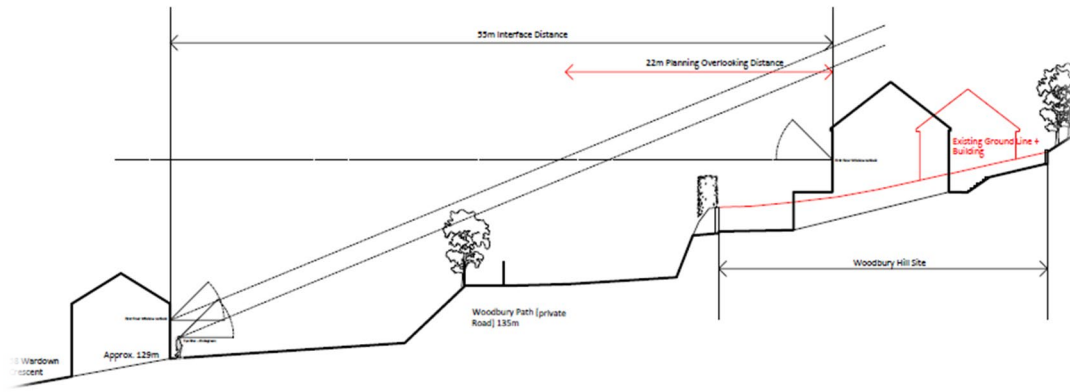


Fig.4 Proposed Sectional Drawing showing the development in relation to the lower garden amenity area of No. 27 Mountfield Road

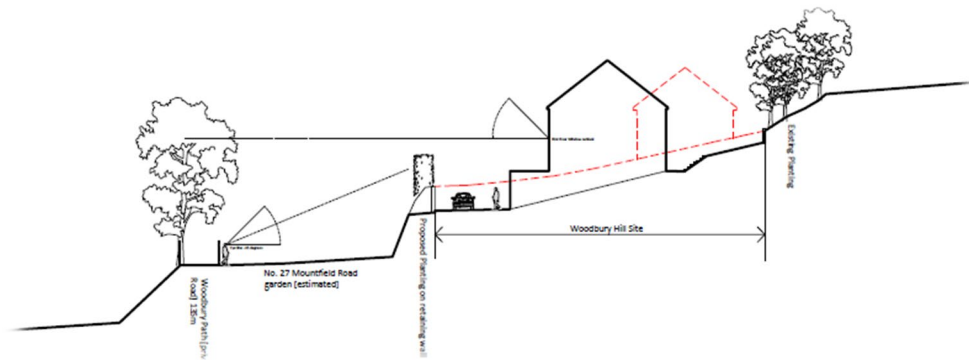
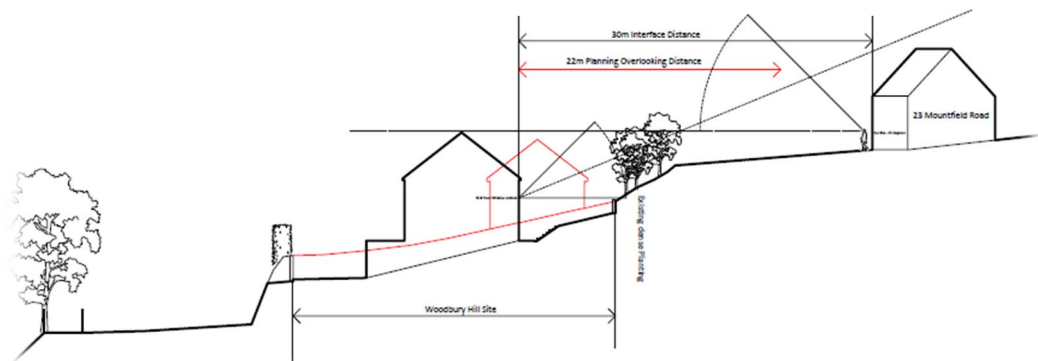


Fig.5 Proposed Sectional Drawing showing the development in relation to No. 23 Mountfield Road



21. In light of the foregoing, the proposal is not considered to result in any significant adverse effects to neighbouring buildings. Accordingly, the impact on neighbouring amenity is considered to be acceptable and the current scheme is considered to have provided the necessary information to ensure that a decision can be reached as to the implications of the development in terms of loss of privacy and overlooking to ensure that it will not have a materially harmful impact.

Access, Parking and Highway Implications

22. No issue was previously raised to the provision of parking. The predominant issue substantiating the first reason for refusal related to the buildability of the access from the existing access road to the proposed dwellings in view of the significant level

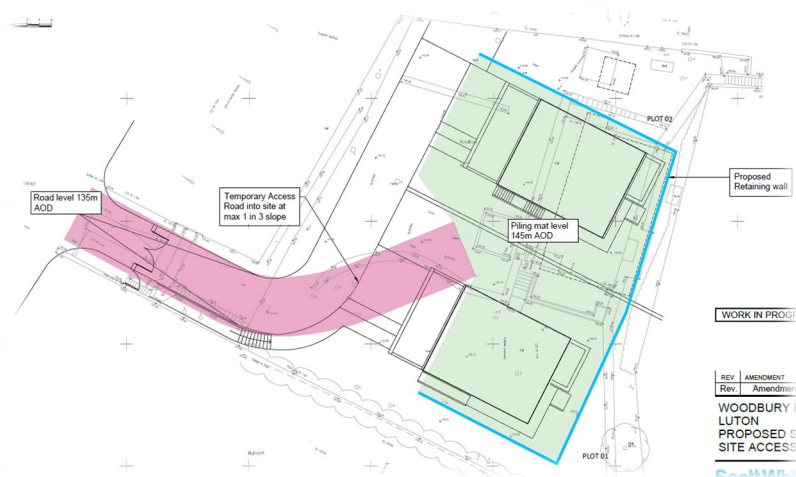
differences experienced within the area. Concern was indicated in relation to the access road itself, however, this did not substantiate the reason for refusal and it is again noted that the access road presently serves a dwellinghouse in this location. This comprises the baseline of consideration of the development.

Fig.6 Car Parking Swept Path Analysis



23. In seeking to address the reason for refusal, the Applicant has undertaken to provide a 'Civil and Structural Engineering Feasibility Report', and this concludes that a feasible construction method can be adopted to allow development at the site with careful consideration of the methods adopted, along with good management of the construction process. The Report includes an outline construction sequence which takes into account site level differences and the need for piling and excavation and demonstrates the type of machinery that could be used to carry out the work. The Local Highways Authority (LHA) have reviewed the Report and stated that the additional supporting information goes some way to addressing the issues during construction. Concerns have, however, been raised in relation to the access issues to the site once constructed and the initial objection from Bedfordshire Fire and Rescue Service.

Fig.7: Outline Construction Sequence



24. It is evident from the information submitted that the Applicant does not intend to carry out improvement works to the existing access track leading to the site from Wardown Crescent. As previously set out, this is a private track that is neither adopted nor adoptable highway. The track is narrow and there are no opportunities to create a clearly defined pedestrian access, suffering from low visibility levels due to vegetation. Indeed, a large number of representations relating to both the former and existing applications have raised concerns in this regard. The condition of the access, together with the potential for increased vehicular activity, has been a perpetual concern, particularly during adverse weather.
25. With regard to increased vehicular movements, the existing situation remains the starting point. The reduction in parking provision, read with the number of bedrooms to the proposed dwellings in relation to the former refused proposals, will reduce the intensity of comings and goings to the site. To that, the submitted transport statement concludes that the scheme would have a negligible impact on the surrounding highway. Further, the proposal will utilise an existing track already which provides vehicular access to the surrounding dwellinghouses and indeed the application site itself. Whilst it is argued that the former occupiers to the site predominately utilised the site entrance from Mountfield Road, this is occupier-related and it cannot be disputed that the property benefits from a garage that is accessed via Woodbury Hill Path. Vehicular access to and from this location is, therefore, already provided and, on that basis, the introduction of one further dwelling to the site is not considered to have a material adverse impact in relation to vehicular and pedestrian safety.
26. In addressing the concerns raised by Bedfordshire Fire and Rescue, the Applicant has been involved in detailed discussions with the department to address these issues. These discussions have resulted in the Department stating that, whilst not an ideal situation, fire safety requirements could be achieved with an emergency vehicle parked on Mountfield Road to the east of the site, together the utilisation of the existing fire hydrant on Mountfield Road and the installation of a sprinkler system within each of the two dwellinghouses. It is recommended that these comments be set out in an informative attached to any decision notice if Members are minded to approve the revised scheme.
27. In light of the above, the supporting documentation submitted in relation to the current application is considered to sufficiently address the first reason for refusal insofar as it relates to demonstrating the design and feasibility of the proposed access arrangements to the site. In this regard, the proposals successfully demonstrate that the direct site access can be achieved from Woodbury Hill Path with full manoeuvrability contained within the site. Whilst this cannot address all the safety concerns relating to the existing access track, it is sufficient for the purposes of overcoming the former reason for refusal.

Conclusions

28. The scheme offers no significant detrimental impact upon the character of the surrounding area, amenities of the adjoining occupiers or highway and pedestrian safety. With regard to the additional supporting documentation and plans submitted in relation to the current scheme, the current application is considered to have successfully overcome the former reasons for refusal by demonstrating that the direct access to the site will be feasible and achievable and that the development proposal will not have a materially harmful impact in terms of loss of privacy and overlooking. It is, therefore, recommended that planning permission is granted subject to the conditions as set out at 'Appendix 1' of this report.

Appendices

Appendix 1: Conditions and Reasons

Appendix 2: Technical Consultation Responses

Appendix 3: Public Consultation Responses

Appendix 4: Case Officer Report dated 28th May 2020

List of Background Papers – Local Government Act 1972, Section 100D

29. Luton Local Plan 2011-2031

30. National Planning Policy Framework (*NPPF, or the Framework*)

31. National Planning Practice Guidance (*NPPG*)

32. Planning application ref: 20/00155/FUL

Determination of Planning Applications

33. The Council is required in all cases where the Development Plan is relevant, to determine planning applications in accordance with policies in the Development Plan unless material considerations indicate otherwise.

Human Rights Act 1998

34. The determination of the application which is the subject of this report is considered to involve the following human rights:

1. Article 8: Right to respect for private and family life; and
2. Article 1 of the First Protocol: Protection of Property.

35. The report considers in detail the competing rights and interests involved in the application. Having had regard to those matters in the light of the Convention rights referred to above, it is considered that the recommendation is in accordance with the law, proportionate and balances the needs of the Applicant with the protection of the rights and freedoms of others in the public interest.

Section 17: Crime and Disorder Act 1998

36. In reaching the recommendations set out in this report, due regard has been given to the duty imposed upon the Council under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in its area.

Equality Act 2010

37. In reaching the recommendation set out in this report, proper consideration has to be given to the duty imposed on the Council under the Equality Act 2010 to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by that Act; to advance equality of opportunity and to foster good relations between persons who share relevant protected characteristics and persons who do not share it. The protected characteristics under the Act are a person's age, sex, gender assignment, sexual orientation, disability, marriage or civil partnership, pregnancy or maternity, race, religion or belief. In this case, no disproportionate effect on people with protected characteristics has been identified.

Conditions, Reasons and Informatives

Conditions and Reasons

- (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 and document numbers: 18140-02-02-000, 18140-02-001, 18140-02-002, 18140-02-03-001, 18140-02-03-002, 18140-02-03-003, 18140-02-03-004, 18140-02-04-001, 18140-02-05-000, 1840-02-05-001, 18140-02-05-002, 18140-02-05-003, 18140-02-05-004, 18140-02-05-005, 200619 Woodbury Hill Transport Statement, DC01 Additional information, 18140-04-003, DC04-Civil & Structural Engineering Feasibility Report, 18194 Design & Access Statement-Resubmission, DC03-Planting Schedule, DC02-Planting Plan.*

Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.

- (03) *Prior to occupation of the development full details of a landscaping scheme to include all hard surfaces, grassed areas, tree and shrub plantings and the proposed times of planting shall be submitted to the Local Planning Authority in writing for approval, and all grassed areas shall be laid out and all tree and shrub planting shall be carried out in accordance with the approved 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.

- (04) *A landscape management plan, setting out management and maintenance responsibilities for all hard and soft landscape areas shall be submitted to the Local Planning Authority in writing for approval prior to the occupation of the development. The landscape management plan shall be carried out as approved and shall remain in force 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.

- (05) *Full details of the proposed boundary treatment of the site shall be submitted to the Local Planning Authority in writing for approval prior to occupation of the*

development and the approved treatment shall be installed before the dwellings hereby permitted are occupied.

Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.

- (06) The parking provision as identified on Plan No: 18140-02-03-001 Lower Ground Floor Plan shall be laid out and shall be ready for use prior to the occupation of the dwellings hereby permitted.**

Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.

- (07) The bin/cycle storage facilities hereby approved shall be laid out and shall be ready for use prior to the occupation of the dwellings hereby permitted. The bin storage facilities shall be retained 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.

- (08) A management plan for the movement and collection of refuse/recycling bins on collection days shall be submitted to the Local Planning Authority in writing for approval prior to occupation of the development. The development shall be occupied in strict accordance with those approved details thereafter.**

Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.

- (09) Prior to the commencement of above-ground works, samples of materials to be used in the construction of the external walls, windows and roofing of the development hereby approved shall be submitted to the Local Planning Authority in writing for approval. The development shall be carried out only in full accordance with those approved materials.**

Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.

- (10) Prior to the commencement of the development, a detailed Construction Management Plan (CMP) shall be submitted in writing for approval by the Local Planning Authority, and the plan shall include the following:**

- a) The construction programme and phasing;**
- b) Hours of operation, delivery and storage of materials;**
- c) Details of any highway works necessary to enable construction to take place;**
- d) Parking and loading arrangements;**
- e) Details of hoarding;**
- f) Management of traffic to reduce congestion;**
- g) Control of dust and dirt on the public highway;**
- h) Details of consultation and complaint management with local businesses and neighbours;**
- i) Waste management proposals;**

- j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour; and*
- k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.*

All works shall be carried out in accordance with the approved CMP thereafter.

Reason: In the interests of highway safety and the control of environmental implications associated with the construction of the development.

- (11) Triangular pedestrian visibility splays of 1.8 x 1.8 metres must be provided on either side of each drive opening onto the access road prior to occupation of the development hereby permitted. The splays shall be positioned within the site at right angles to the highway (measured at highway boundary/site boundary). The visibility splays so described shall be installed prior to first occupation of the development and maintained free of any obstruction to visibility exceeding a height of 600 mm above the existing ground level.*

Reason: In the interests of highway and pedestrian safety.

- (12) No development shall take place until a plan detailing the protection and/or mitigation of damage to populations of the protected species of bats and newts and their associated habitat during both construction works and upon completion of development (including a timetable for implementation) has been submitted in writing to the Local Planning Authority for approval. The development shall then be carried out only in strict accordance with the approved details.*

Reason: In the interests of ecological preservation.

- (13) No development shall commence until a scheme for the provision and management of compensatory habitat creation has been submitted in writing to the Local Planning Authority for approval. The development shall then proceed only in full accordance with those approved details.*

Reason: In the interests of ecological preservation.

Informatives

- (01) The applicant is advised that it is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site. If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.*
- (02) The applicant is referred to comments received on behalf of Bedfordshire Fire and Rescue Service in relation to ensuring the proposed development will be compliant with Approved Document B, Volume 1 Dwellings Section 12 Vehicle Access.*

Technical Consultation Responses

- **LBC Highways:** The submitted Transport Statement is contradictory and states a 4.5m wide track will be provided to the site whilst stating no improvements will be made. Usable width of track is 4.5ms and is substandard to act as frontage access to more than one dwelling. Without improvement restricted access to development may fall below Home Office guidelines for emergency access. A 3.7m carriageway is required for operating space at scene of fire. To reach a fire access route, could be reduced to 2.75ms over short distance provided there is vehicle access for a pump appliance within 45ms of single family houses. Fire service vehicles should not have to reverse more than 20ms. The Highway Department were consulted on the Civil and Structural Engineering Feasibility Report submitted with the application and have confirmed whilst this document does not address access issues once constructed, it goes some way to addressing issues during construction.
- **LBC Environmental Protection:** No objections. Informative required relating to land contamination.
- **Bedfordshire Fire and Rescue:** Initial objection to development due to need for unobstructed access to existing fire hydrant outside 46 Mountfield Road and the width of the existing access path in order to allow fire appliance access. The Rescue Service have been in detailed discussions with the LPA in regards to the scheme where the view has been taken that it will be possible to conform with the necessary guidelines provided that the existing fire hydrant located on Mountfield Road is maintained and that sprinkler systems are installed within the properties.

Public Consultation Responses

- **Issue: Adverse highway and pedestrian safety Implications.** A large number of the representations received relate to the proposed access to the site. This is due to the existing access track not being an adopted highway and subsequently being of a sub-standard condition, with no street lighting, poor visibility and a narrow width which does not allow for two vehicles passing and which is particularly hazardous during winter months. This has raised concerns relating to access to the site for visitors, deliveries and emergency vehicles. It has been suggested that the existing access to the property from Mountfield Road should be utilised.
 - *Officer Consideration: Addressed within the body of the report.*
- **Issue: Visual intrusion.**
 - *Officer Consideration: Addressed within the body of the report.*
- **Issue: Harm to wildlife and biodiversity and need for further assessment from qualified Ecology Officer.**
 - *Officer Consideration: Not related to a previous reason for refusal. Appropriate conditions recommended.*
- **Issue: Over-intensive development.**
 - *Officer Consideration: Not related to a previous reason for refusal. The form and layout of the development remains unaltered and is addressed in main body of the previous Case Officer Report ('Appendix 4').*
- **Issue: Design quality.**
 - *Officer Consideration: Not related to a previous reason for refusal. The design of the proposed dwellings remains unaltered and is addressed in main body of the previous Case Officer Report ('Appendix 4').*
- **Issue: Loss of privacy and overlooking implications.**
 - *Officer Consideration: Addressed within the body of the report.*
- **Issue: Noise and disturbance.**
 - *Officer Consideration: Whilst the site is located within the Bradgers Hill Corridor AGLV, it is within a largely residential area, in this regard it is not considered the addition of one further dwelling would have a materially harmful impact on the tranquillity of the area. This is particularly in light of the vegetation proposed to encompass the site.*
- **Issue: Inaccuracies on Transport Statement, Design and Access Statement and application form.**
 - *Officer Consideration: The agent has sought to rectify the inaccuracies noted on the submitted plans and Design and Access Statement. Inaccuracies that may have occurred on the application form or Transport Statement are a matter of judgement and do not and have not prejudice the ability of the Local Planning Authority to determine the application.*

- **Issue: Waste storage proposal unfeasible.**
 - *Officer Consideration: These points are noted, however, details relating to the bin storage to the site and the facilitation of collection and return on relevant days are a matter that can be addressed as part of a planning condition. This has been included.*

- **Issue: Former applications have been refused due to suitability of access and should be material planning consideration.**
 - *Officer Consideration: the former application referred to (LPA ref:10/01328/FUL) relates to an application which sought to erect a pitched roof garage and associated access along with the removal of the designation of Woodbury Hill Path as a right of way, with a view to designate the existing footpath through People's Park as an alternative right of way. This application was refused on the basis that the proposed new public right of way would not provide a suitable alternative to Woodbury Hill Path and that the development would necessitate improvements works to the existing access and relocated right of way access which would have a negative impact on the appearance of the surrounding area. As the current scheme is not seeking to remove the right of way access of Woodbury Hill Path it is not comparable to this application. Further the current scheme does not seek to make changes to the existing access track and will therefore not have a direct impact on the visual amenities of the surrounding area. In addition a proposal was refused for the erection of a detached dwelling on land to the rear of 68-76 Wardown Crescent, this proposal related to the provision of a new dwelling and associated creation of a new access from Wardown Crescent. As the application site is occupied by an existing dwelling and will utilise an existing access it is materially different to this proposal*

- **Issue: Failure to address fire safety concerns.**
 - *Officer Consideration: The applicant and LPA have been in ongoing discussions with Bedfordshire Fire and Safety Service in relation to the proposals. These have sought to address the initial objection made in relation to the scheme. These discussions have resulted in an agreement from the Fire Service that the arrangement for the proposed dwellings will be acceptable provided that the existing fire hydrant on Mountfield Road is utilised and sprinklers are installed to both the properties.*

- **Issue: Need for specific/measurable assurances as part of a planning condition that regarding the height of the dwellings.**
 - *Officer Consideration: The sectional drawings that have been submitted as part of the application clearly indicate the height of the proposed dwellings in relation to the surrounding properties. Should the application be approved, a condition would be attached to any permission requiring that the development is built in accordance with the approved plans.*

- **Issue: Visual intrusion.**
 - *Officer Consideration: Addressed within the body of the report.*

A number of other representations have been made which are not material planning considerations. These relate to:

- *requirements for a retaining wall and reinforcement of the site;*

- *building and excavation works causing vibrations and subsidence to properties and land;*
- *indemnity insurance;*
- *access for construction traffic (CMS condition attached);*
- *maintenance of access track, right of way rights over land, maintenance costs for access track and legality of right of way agreement;*
- *services to properties and disruption during service installation; and*
- *health and safety implications during construction, and impact on amenities of surrounding occupiers (CMS condition attached).*

These matters are not material planning considerations and, therefore, cannot be taken into consideration in determining the application. If Members are minded to approve the application, a condition is suggested requiring a Construction Method Statement to be submitted prior to commencement of the development. This would address many of the concerns raised. Further, the development must be built in accordance with Health and Safety Regulations and Building Control Regulations, which will cover many of the concerns raised (including fire safety). Matters relating to the right of way are civil issues, which would need to be resolved prior to commencement of the development. Any grant of planning permission would not override legal requirements in this regard.

Case Officer Report, dated 28th May 2020 Presented to Development Management
Committee 22nd April 2020

DEVELOPMENT CONTROL COMMITTEE

28 MAY 2020

**RECOMMENDATION OF THE DEVELOPMENT CONTROL MANAGER
FOR APPROVAL OF PLANNING PERMISSION**

APPLICATION NO: 20/00155/FUL
PROPOSAL: Erection of 2 x three bed dwellings after demolition of bungalow and garage.
LOCATION: Woodbury, Woodbury Hill Path, Luton
APPLICANT: Mr Warfield
WARDS AFFECTED: Round Green

RECOMMENDATION

It is recommended that:

2. The reasons for approval set out in this report are agreed;
3. That planning permission is granted, subject to the conditions as set out within 'Appendix I';
4. That delegated authority is granted to the Head of Development Management to make minor alterations to the conditions following any Committee resolution to grant permission (should any be required);
5. That following any grant of permission that delegated authority is granted to the Head of Development Management to determine any subsequent planning applications related to this development both seeking minor material amendments to the development (Section 73 applications) ;

Conditions ('Appendix I')

- (01) Time limit
- (02) Approved Plans and Documents
- (03) Landscaping
- (04) Landscape Management Plan
- (05) Boundary Treatment
- (06) Car Parking Area Laid Out and Ready For Use
- (07) Bin Storage Facilities
- (08) External Material Samples
- (09) Construction Management Plan
- (10) Triangular pedestrian visibility splays
- (11) Details of access
- (12) Protected Species
- (13) Compensatory Habitat Creation

REPORT

The Site and Surroundings

6. The application relates to a split-level detached dwellinghouse known as Woodbury. The property is accessed from Woodbury Hill Path, a private road with an access on Wardown Crescent. Woodbury Hill Path is sandwiched between Wardown Crescent which lies to the west and Mountfield Path which lies to east. It is located on a sharp hill gradient with land rising to the east.
7. Mature tree coverage lines much of the access route to the property and is prevalent within the surrounding area which forms part of the Bradgers Hill Corridor Area of Landscape Value.
8. The application is brought before Members at the request of Cllr. Andrew Malcolm and because there have been over four written representations from separate addresses objecting to the proposals.

Relevant Planning History

9. Two former applications for similar forms of development has been refused over the past 12 months (reference: 19/00686/FUL and 19/01539/FUL), with those applications considered to be an over-intensive form development that would significantly alter the rural character of the surrounding area, materially affecting neighbouring occupiers with implication in terms of highway and pedestrian safety.

The Proposal

10. The application relates to the erection of a two three bedroom dwelling house following the demolition of the existing bungalow and garage to the site.

Planning Policy

National Planning Policy Framework (NPPF, or the Framework)

11. A slightly revised National Planning Policy Framework (NPPF, or the Framework) was published in February 2019 and replaces the revised NPPF published in July 2018. The NPPF provides guidance as to how the government's planning policies are expected to be applied. The core principle of the revised Framework is a "presumption in favour of sustainable development". However, this does not change the statutory 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 must be taken into account in preparing the development plan and is a material consideration in planning decisions.
12. Paragraph 38 of the Framework advises that Local Planning Authorities should approach decision making in a positive and creative way and should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible. Discussions have taken place with the applicant following the requirement for the application to be determined by the Development Control Committee.

National Planning Practice Guidance (NPPG)

13. The guidance was published in March 2014 and has been maintained in support of NPPF policy.

Luton Local Plan 2011-2031

14. The site is unallocated on the Policies Map of the Luton Local Plan 2011-2031 and the policies relevant to the proposal are LLP1, LLP19, LLP25, LLP31 and LLP32.
15. Policy LLP1 sets out a sustainable development strategy for the Borough.
16. Policy LLP15 sets out the objectives for delivering housing across the Borough, section B in particular, indicates that planning permission will be granted on sites not allocated for housing provided that it would not lead to a loss of other uses for which there is a recognised local need. This policy also states that new housing should not result in over-intensification of the site;
17. Policy LLP25 seeks to have development enhance the character of an area, respond positively to the local context, minimise adverse amenity implications, optimise a site, achieve adopted standards and create attractive and safe spaces. New housing should be in accordance with Appendix 6;
18. Policy LLP29 – seeks to protect, conserve or enhance the character, setting and natural beauty of national and local landscape areas according to a hierarchy of designations.
19. Policy LLP31 - requires the traffic implications of the development to be assessed in the context of their implications on the highway network;
20. Policy LLP32 – seeks to manage parking provision to support growth;

Equality Implications

21. No disproportionate effect on people with protected characteristics has been identified.

Consultation Responses

22. LBC Highways: Although no major highway implications anticipated, site is relatively remote and pedestrian access will be poor even with implied improvements to access road. Conditions requested relating to details of the access improvement works, triangular pedestrian visibility splays and construction method statement.
23. LBC Environmental Protection: no objections subject to land contamination informative.
24. LBC Heritage Consultant: proposed dwellings sit more comfortably upon the site and should have a neutral impact on the landscape value of the area, particularly if landscaping boundaries within the site is retained and enhanced. No objections
25. Statutory Neighbour Consultation: The application was notified to twenty-seven properties and a Site Notice was displayed. To date, fifteen representations have been received:

<u>Issue(s) Raised</u>	<u>Case Officer Consideration</u>
Private access road leading to site is not wide enough for construction traffic, emergency vehicles and refuge vehicles. Width of road also does not allow for passing point/two way traffic.	If minded to approve the applicant would be required to submit full details of how it is intended that improvements will be made to the existing access to the site
Risk to pedestrian and road users safety through use of access road	As above, the scheme now reduces the number of bedrooms to each of the properties and the parking provision to the site which will materially reduce the level of comings and goings.
Road is not adopted highway therefore is hazardous during certain times of the year	As this is a private road it is land owner responsibility to ensure the road conditions are acceptable.
Lack of information relating to road improvement works.	If approved a condition would be attached ensuring further information is provided in this regard.
Loss of privacy/overlooking	The proposal now reduces the number of balconies proposed, reducing this to one per property at ground floor level. This coupled with the proposed boundary treatment will address issues in this regard.
Increased noise and disturbance	The increased noise and disturbance is not considered to be materially different to that which would be currently experienced and expected within a residential area.
Visual intrusion	The proposals have significantly reduced the scale and mass of the development and incorporated further landscape screening. In this regard the development is no longer considered to be materially harmful.
Loss of light	Due to the siting and location of the proposed dwellings in relation to the surrounding properties it is not considered that there will be a material harm in this regard.
Need for application to be reviewed by an Ecologist	If minded to approve such a Decision would be conditional on further information being provided as to how the applicant will address the potential impacts of the development on the surrounding ecology. This would be reviewed by the Council's Ecologist.
Proposals do not satisfy requirements of Local Plan relating to the Bradgers Hill Area of Great Landscape Value	The proposals have sought to introduce significant areas of soft landscaping to the site and replacement tree planting. This is considered to be in keeping with the character of the AGLV.

Protected species in proximity to the site which have not been identified/addressed	If minded to approve consent would be conditional on further information being provided on how it will be ensured that the development will not cause harm to any protected species
Over-intensive form of development	The proposed dwellings have been significantly reduced in terms of scale and mass and will reduce the number of bedrooms provided to each property. As such the development is considered to respect the established layout of the surrounding area and not to be over-intensive in this regard.
Impact on the character of the surrounding area	As discussed above by virtue of the reduce scale and mass of the dwellings and introduction of further soft landscaping to the site the development is considered to be consistent with the established character of the surrounding area.
Number of inaccuracies on Planning Application Form	There are noted however these do not hinder the ability of the Local Planning Authority to determine the application.
Communal waste area cannot be accessed by refuse vehicles	The applicant has stated that it will be possible for residents to take their bins to Wardown Crescent on collection days
Design out of keeping with surrounding properties	Whilst a modern design approach have been adopted this is felt to be sympathetic to the rural landscape.
Harm to surrounding wildlife.	If minded to approve any permission would be conditional on further detail being provided on how the applicant will mitigate harm to surrounding wildlife.

26. A number of other concerns in relation to the development have been raised which are not material planning considerations, these relate to the legal rights of way over the land, the acceptability of the development in terms of legal agreements in place, the maintenance cost to residents as a result of the intensification of usage of the access route and rights of easement of the land. These are civil matters which will need to be addressed separately by the applicant. Further concerns have been raised relating to construction works to the site, groundworks and excavations, vibrations, subsidence and land stability, health and safety during construction, noise, fumes and light pollution and access to the site for emergency vehicles. These matters would be addressed at Building Control stages of the application and by Health and Safety Officers.
27. Further specific representations have been made requesting enforceable assurances regarding the height of the development in relation to properties on Mountfield Road. These are again not a requirement of the current planning proposal, however would be managed by a condition if minded to approve to ensure that the development is built in accordance with the approved plan.

MAIN PLANNING CONSIDERATIONS

28. The main planning considerations relate to the principal of development, impact on the character and appearance of the surrounding area, impact on the amenities of adjoining occupiers, quality of the living environment created and highway implications.

PRINCIPLE OF DEVELOPMENT

29. The current proposal follows two former planning refusals to the application site and seeks the subdivision of the existing plot to accommodate two detached, three bedroom dwelling houses with associated access, landscaping, amenity provision and parking following the demolition of the existing dwelling and detached lower level garage to the site.
30. The proposed development must be assessed against the requirements of Policy LLP15, which supports residential development on sites not allocated for housing provided that the proposal will not lead to the loss of a use for which there is a recognised local need and will not result in over-intensification of the site. It also requires new housing development to achieve a mix of different sizes, types and tenures to meet the housing needs of Luton and the Luton Housing Market Area as informed by the latest SHMA (Strategic Housing Market Assessment).
31. The current proposal offering two, three bedroom family dwellings, is felt to adequately address the loss of the existing property to the application site and would contribute towards the identified need of the LHMA.
32. Further, in addressing the over-intensiveness of the scheme, the current proposal is considered to have considerably reduced the bulk and mass of the dwellings proposed to such a degree that sufficient space about the properties will be retained, allowing for the provision of the substantial landscaping and amenity to the site. This has largely reduced the footprint of the proposed dwellings and thereby reflects the scale and proportions of the surrounding residential development. In this regard the current proposal is considered to have overcome the former reasons for refusal relating to the over-intensive and cramped nature of the development.
33. Furthermore, the current scheme seeks to incorporate significant replacement tree planting along the periphery of the application site and directly adjacent to the proposed dwellings, drastically reducing the level of hardstanding surrounding the properties and softening the landscape in accordance with and complementary to the existing character of the Bradger's Hill Corridor, defined by its mature tree coverage and soft, rural landscaping. As such the revised scheme is in conformity with the aims and objectives of Local Plan Policy LLP29 which seeks to preserve the character and natural beauty of Local Landscape Areas.
34. In light of the foregoing the proposed scheme is considered to have sufficiently addressed the former concerns with the refused proposals to the site and is thereby in conformity with the aims and objectives of Local Plan Policies LLP1, LLP15, LLP29 and LLP25 and the core objectives of the NPPF and is therefore considered acceptable as a matter of principle.

Impact of Surrounding Area and Design

35. The application relates to a parcel of land known as Woodbury which is accessed from Woodbury Hill Path, a private road with an access on Wardown Crescent. Woodbury

Hill Path is sandwiched between Wardown Crescent which lies to the west and Mountfield Path which lies to east. It is located on a sharp hill gradient with land rising to the east. Mature tree coverage lines much of the access route. The site is located on land forming part of the Bradgers Hill Corridor Great Landscape Value (BHCGLV).

36. The BHCGLV is distinguished by significant tree and foliage coverage, the visual prominence of which is heightened by significant land rises which provide far reaching views of the corridor from across this section of the town, and offers a green backdrop against the urban landscape.
37. The existing property on the site is a split level bungalow with single storey element to its Mountfield Path frontage. The current building is of low density, built into the existing hill slope with a large area of green space to the frontage and is relatively unimposing within the landscape.
38. The current proposal seeks the demolition of the exiting property and sub-division of the plot to construct two, three storey, pitched roof dwellings houses. The proposed new dwellings will be located to the east of the plot, following a staggered building line. Each property will be surrounded by amenity to the rear and flank elevations with a driveway/carport parking to the frontage.
39. The properties will be of a modern design approach utilising large glazing sections, timber cladding to the lower section to create a softened appearance and give the impression of a two storey development, whilst white render will be applied to the upper floors with a slate roof tile.
40. Policies LLP1 and LLP25 of the Luton Local Plan seek to ensure that proposals for the built form make a positive contribution to enhancing the character and appearance of an area. Development proposals should enhance the distinctiveness of an area by responding positively to the townscape, street scene, site and building context, form, scale, height and pattern of materials. In addition Local Plan Policy LLP29 requires that development proposals protect, conserve and enhance the character, setting and natural beauty of Local Landscape Areas. These policies are in conformity with the NPPF which places great emphasis on the principles of good and sympathetic design and requires that planning decisions contribute and enhance the natural environment by protecting and enhancing valued landscapes.
41. The current proposal seeks a significant reduction in the bulk, scale and mass of the proposed dwellings to the site. This has enabled a greater separation distanced to be maintained between the two dwellings and a resultant significant expanse of soft landscaping to the site, incorporating a large number of replacement tree species.
42. Whilst the dwellings will be of three storeys in height, the lower section of the buildings will be set into the landscape and partially screen by the retaining site wall, creating the impression of the buildings being of two storeys. This, when taken in conjunction with the significant width reduction to the properties of 3.6 metres and the additional soft landscaping is considered to considerably reduce the visual impact of the development to ensure that it will be well integrated into the surrounding natural landscape and will be in keeping with the layout and scale of the nearby development.
43. Whilst a modern design has been adopted the properties along Woodbury are all of a unique design and character and do not follow a uniformity, in this regard the proposal would not be out of place within the location and the visual impact of the development will be significantly reduced by the reductions to the scheme and additional landscaping.



Image 1: 3D visual of proposed dwellings

44. In light of the foregoing, it is considered that the revised scheme would be acceptable in terms of its impact on the character and natural beauty of the designated Area of Great Landscape Value and the established character of the surrounding area. The proposal thereby accords with Policies LLP1, LLP15, LLP25 and LLP29 of the Luton Local Plan 2011-2031 and the principles relating to high quality design within the Framework.

Living Environment Created

45. The internal layout of the proposed dwellings would be split across three levels. To the lower ground the properties would have a carport to the frontage providing a green roof projection to the upper floor. Internally the lower section would have utility area, lounge/gym/cinema area and bathroom. To the ground floor would be an open plan kitchen/living/dining area opening out onto the rooftop garden to the frontage with further W/C to the rear and landing leading to the stepped access to the rear amenity space. Finally the first floor would have three bedrooms with family bathroom and en-suite to the master bedroom.
46. All habitable rooms will be served by window or patio door openings providing a suitable means of outlook, natural light and ventilation. Whilst those rooms within the lower ground floor will have limited daylight penetration and outlook as a result of level differences in the site and the car port area to the frontage of the properties, this location does not contain habitable living spaces and in this instance is felt to be acceptable.
47. The proposed dwellings will have an internal area that exceeds the GIA standards set out by MHCLG (March 2015), and would create a spacious living environment for the future residents.
48. The external amenity provision to both the proposed dwellings will exceed the standard as specified in Appendix 6 of the Luton local Plan and will be in keeping with the scale of the amenity to the surrounding development.
49. In light of the above the living environment created will be acceptable and no harm will be caused to future occupiers of the development.

Impact on Adjoining Occupiers

50. Previous refusals predicated upon harm to adjoining occupiers related to the impact of the development upon the living environment of No. 27 Mountfield Road lying to the north and the property known as Highcroft lying to the south by reasons of visual intrusion and loss of outlook. The proposal would be smaller than these previous forms of development and, as there is no material change in the relationship of the application site and surrounding properties, it remains that these properties will be the only adjoining occupiers that will be materially implicated in this regard.
51. The revised scheme has significantly reduced the width of the proposed dwellings so that they will now achieve a substantial set in from the shared boundary with Nos. 27 Mountfield Road and Highcroft. In addition tree planting be positioned along the shared boundaries which will provide screening from the development. This will largely reduce the visual impact of the scheme and ensure that the aspect from these properties will be safeguarded to an acceptable degree.



Image 2: Block plan showing development in relation to neighbouring

52. In addition, concerns were raised in relation to the impact on these properties in terms of loss of privacy and overlooking to their private amenity space as a result of the balconies proposed to the dwellings. The current scheme has sought to address this concern by removing the balconies to the dwellings. This will however retain a rooftop garden to the ground floor of the properties. Due to the low level of this garden area which will sit substantially below the boundary treatment, it is not considered that there will be any resultant harm in terms of overlooking or loss of privacy.



Image 3: Elevation showing location of roof top garden in relation to

53. The resultant relationship between the application site and Nos. 27 Mountfield and Highcroft would, therefore, be acceptable. Concerns were also raised in relation to the impact of the development on Nos. 54-58 Wardown Crescent in terms of visual intrusion, however the revisions to the scheme and the resultant reduction in the width of the proposed dwellings, along with the boundary treatment, would ensure no material harm is caused in this regard.

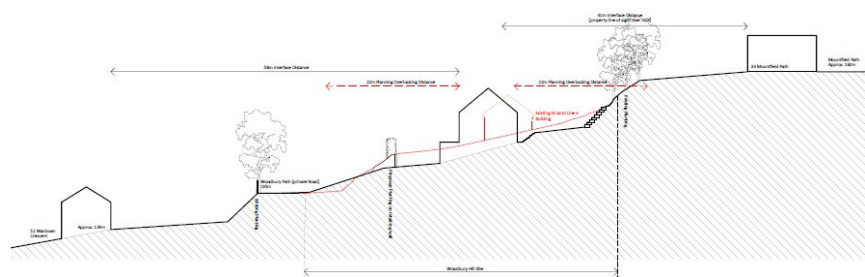


Image 4: Sectional plan showing development in relation to Wardown

54. Previous refusals to the site also cited increased noise and disturbance as a result of the intensification of the residential use. With the application now seeking two, three bedroom properties with a reduction in the number of parking spaces provided, it is considered that the resultant noise and disturbance would be relative to residential housing development and would not cause undue harm in this regard.
55. There have been a large number of representations submitted in relation to the scheme, these are set out and addressed in the relevant section on this report.

Highway Implications and Parking

56. Policy LLP31 requires the traffic implications of development to be assessed in the context of their implications on the highway network. Policy LLP32 seeks to ensure development does not exceed the maximum parking standards contained within Appendix 2.
57. The plans submitted indicate that each property will have 2 parking spaces which will accord with the standards as set out within Appendix 2, this will present a reduction of one parking space per property in relation to previous schemes and will therefore reduce vehicular activity to the site.

58. In order to achieve the parking as set out the proposal will incorporate the creation of a new access route to the site from Woodbury Hill Path, improvements will also need to be made to part of the existing access on Woodbury Hill Path.
59. Previous refusals to the site predicated on the condition of the existing access route along Woodbury Hill Path. This route is not adopted highway and subsequently is extremely narrow, making it difficult for vehicles to pass one another with no opportunities for clearly defined pedestrian access and low visibility levels due to vegetation. Indeed a large number of representations have been submitted in this regard, siting the condition of the access, particularly during adverse weather and the subsequent danger to pedestrians and other road users as a result of the narrowness of the road.
60. It should be noted that despite road conditions being unaltered by the current proposals, the development is reduced in terms of the accommodation provided which will decrease the intensification of the development and the vehicular movement to and from the site.
61. LBC Highway Engineers have not objected to the proposal however have raised concerns relating to pedestrian access to the site which it is considered would still be poor even with improvements to the access road.
62. Whilst the applicant has failed to provide details on how the access to the site will be improved, this matter could be addressed by way of condition if Members are minded to approve to ensure that full details of the access improvement works are submitted prior to commencement of development on site and that these works be carried out prior to occupation of the development.
63. The aforementioned condition will enable to Local Planning Authority to ensure that access improvements will be acceptable in accordance with the development. Whilst it is accepted that due to the site conditions it will not be possible to overcome all concerns relating to pedestrian safety, the reduced parking provision to the properties and number of bedrooms to the dwellings will reduce the intensity of comings and goings to the site. It should also be noted that the development will utilise the existing vehicular access route which provided access to the detached garage to the site and to the neighbouring property.
64. The construction works will also need to be suitably addressed given the constrained nature of the site and hill gradient, in this regard a condition would also be attached if Members are minded to approve requiring a Construction Method Statement to be submitted prior to commencement of works to the site.

Other Matters

65. A number of representations received in relation to the proposal has raised concerns about its impact on the surrounding wildlife and ecology of the area. Reference has also been made to the presence of protected species within the site. In light of this concern if Members are minded to approve the application, conditions would be attached requiring details on mitigation of harm and the protection of protected species during construction and beyond, prior to commencement of works to the site.

CONCLUSIONS

66. The scheme offers no significant detrimental impact upon the character of the surrounding area, amenities of the adjoining neighbours or highway and pedestrian safety. Subject to the necessary conditions, the development would, therefore, be in accordance with Policies LLP1, LLP15, LLP25, LLP29, LLP31 and LLP32 of the Luton Local Plan 2011-2031 and the relevant parts of the National Planning Policy Framework (NPPF, or the Framework). On that basis, approval is recommended.

LIST OF BACKGROUND PAPERS

LOCAL GOVERNMENT ACT 1972, SECTION 100D

67. Luton Local Plan 2011-2031
68. National Planning Policy Framework (NPPF)
69. National Planning Practice Guidance (NPPG)
70. Planning application references: 19/00686/FUL and 19/01539/FUL

DETERMINATION OF PLANNING APPLICATIONS

71. The Council is required in all cases where the Development Plan is relevant, to determine planning applications in accordance with policies in the Development Plan unless material considerations indicate otherwise.

HUMAN RIGHTS ACT 1998

72. The determination of the application which is the subject of this report is considered to involve the following human rights:-
1. Article 8: Right to respect for private and family life; and
 2. Article 1 of the First Protocol: Protection of Property
73. The report considers in detail the competing rights and interests involved in the application. Having had regard to those matters in the light of the Convention rights referred to above, it is considered that the recommendation is in accordance with the law, proportionate and balances the needs of the Applicant with the protection of the rights and freedoms of others in the public interest.

SECTION 17 CRIME AND DISORDER ACT 1998

74. In reaching the recommendations set out in this report, due regard has been given to the duty imposed upon the Council under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in its area.

EQUALITY ACT 2010

75. In reaching the recommendation set out in this report, proper consideration has to be given to the duty imposed on the Council under the Equality Act 2010 to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by that Act; to advance equality of opportunity and to foster good

relations between persons who share relevant protected characteristics and persons who do not share it. The protected characteristics under the Act are a person's age, sex, gender assignment, sexual orientation, disability, marriage or civil partnership, pregnancy or maternity, race, religion or belief. In this case, no disproportionate effect on people with protected characteristics has been identified.

Appendix I: Conditions, Reasons and Informatives

- (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 and document numbers: 02-02-000, 02-02-001, 02-02-002, 02-03-001, 02-03-002, 02-03-003, 02-03-004, 02-04-001, 02-04-002, 02-04-003, 02-05-000, 02-05-001, 02-05-002, 02-05-003, 02-05-004, 02-05-005 and DC01**

Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.

- (03) Prior to occupation of the development full details of a landscaping scheme to include all hard surfaces, grassed areas, tree and shrub plantings and the proposed times of planting shall be submitted to the Local Planning Authority in writing for approval, and all grassed areas shall be laid out and all tree and shrub planting shall be carried out in accordance with the approved 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.

- (04) A landscape management plan, setting out management and maintenance responsibilities for all hard and soft landscape areas shall be submitted to the Local Planning Authority in writing for approval prior to the occupation of the development. The landscape management plan shall be carried out as approved and shall remain in force 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.

- (05) Full details of the proposed boundary treatment of the site shall be submitted to the Local Planning Authority in writing for approval prior to occupation of the development and the approved treatment shall be installed before the building hereby permitted is occupied.**

Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.

- (06) The parking provision as identified on Plan No: 3011-2E Site Plan shall be laid out and shall be ready for use prior to the occupation of the dwellings hereby permitted.**

Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.

- (07) The bin/cycle storage facilities hereby approved shall be laid out and shall be ready for use prior to the occupation of the dwellings hereby permitted. The bin storage facilities shall be retained 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.

- (08) Prior to the commencement of above-ground works, samples of materials to be used in the construction of the external walls, windows and roofing of the development hereby approved shall be submitted to the Local Planning Authority in writing for approval. The development shall be carried out only in full accordance with those approved materials.**

Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.

- (09) Prior to the commencement of the development, a detailed Construction Management Plan (CMP) shall be submitted in writing for approval by the Local Planning Authority, and the plan shall include the following:**

- l) The construction programme and phasing**
- m) Hours of operation, delivery and storage of materials**
- n) Details of any highway works necessary to enable construction to take place**
- o) Parking and loading arrangements**
- p) Details of hoarding**
- q) Management of traffic to reduce congestion**
- r) Control of dust and dirt on the public highway**
- s) Details of consultation and complaint management with local businesses and neighbours**
- t) Waste management proposals**
- u) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.**
- v) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.**

All works shall be carried out in accordance with the approved CMP thereafter.

Reason: In the interests of highway safety and the control of environmental impacts

- (10) Triangular pedestrian visibility splays of 1.8 x 1.8 metres must be provided on either side of each drive opening onto the access road prior to occupation of the development hereby permitted. The splays shall be positioned within the site at right angles to the highway (measured at highway boundary/site boundary). The visibility splays so described shall be maintained free of any obstruction to visibility exceeding a height of 600 mm above the existing ground level.**

Reason: In the interests of highway and pedestrian safety.

- (11) Prior to commencement of above ground works full details of the improvements works to be undertaken to the access to the site shall be submitted in writing to the Local Planning Authority for approval. The improvements works shall be completed in full before the occupation of any part of the development.**
- (12) No development shall take place until a plan detailing the protection and/or mitigation of damage to populations of the protected species of bats and newts and their associated habitat during both construction works and upon completion of development (including a timetable for implementation) has been submitted in writing to the Local Planning Authority for approval. The development shall then be carried out only in strict accordance with the approved details.**

Reason: in the interests of ecology

- (13) No development shall commence until a scheme for the provision and management of compensatory habitat creation has been submitted in writing to the Local Planning Authority for approval. The development shall then proceed only in full accordance with those approved details.**

Reason: in the interests of ecology

Informative

- 1. Land Contamination- The applicant is advised that it is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site. If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.**