

<b>Committee:</b>	<b>Development Control</b>			
<b>Date of Meeting:</b>	26 August 2020			
<b>Subject:</b>	19/01646/FUL: Erection of 15 dwellinghouses (nine four-bedroom and six five-bedroom) with associated car parking and external works (Resubmission).			
<b>Report Author:</b>	Head of Development Management			
<b>Contact Officer:</b>	Graham Dore			
<b>Implications:</b>	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"/>
<b>Wards Affected:</b>	Northwell			

## 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 planning permission is granted subject to the satisfactory completion of the necessary mechanisms to secure delivery of planning obligations in relation to affordable housing provision and contributions towards Parks/open space and, if the site is ever sold, to enter into a formal Section 106 agreement with the relevant parties in relation to the above matters;
  - (iv) 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);
  - (v) 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) CMS;***
- (04) External Materials;***
- (05) Landscaping and Management;***
- (06) Management Plan;***
- (07) Boundary Treatment;***
- (08) Drainage;***
- (09) No Infiltration;***
- (10) Verification;***
- (11) Unidentified Contamination;***
- (12) Renewable Energy and Climate Change;***
- (13) Ecological Protection (Construction);***
- (14) Ecological Protection and Enhancement Measures;***
- (15) Window Openings;***
- (16) Removal of Permitted Development Rights (extensions, etc.);***
- (17) Removal of Permitted Development Rights (HMOs);***
- (18) Removal of Permitted Development Rights (fences, walls, etc.);***
- (19) Refuse Management and Security; and***
- (20) Electric Charging Point Strategy (ECPS)***

## **Background**

- 3. Members will recall that this application was presented at the Meeting of 29<sup>th</sup> July 2020, where it was resolved to defer the item so that those Members who wished to visit the site and had not already done so could take the opportunity of a visit.
- 4. The report for that meeting is attached at 'Appendix 2' of this report, with Appendices 2 (Technical Consultation Responses) and 3 (Public Consultation Responses) retained within this report.
- 5. The list of suggested conditions and the reasons for those conditions found in Appendix 1 of this report is largely repeated, however, two additional conditions are provided for the consideration of Members.

## **Report**

- 6. The first of these relates to refuse management and ensuring that the fly-tipping issues suffered by the locality are not repeated or encouraged by the proposed development. The condition provides for management of the two refuse collection areas (cleaning, appropriate use, etc.), but also seeks to guard against abuse. The condition would achieve this through the installation of CCTV at each location, with that adjacent to Sherd House to be positioned southwards down Sherd Close and that adjacent to Flint Close part directed south-westwards so as to cover the path and garage areas within Flint Close. It is anticipated that this would not only serve to protect the proposed collection areas, but would go some way to remedying the prevailing ant-social issues plaguing the area.
- 7. The second condition relates to the installation of electric vehicle charging points at each of the 15 dwellinghouses. It is important that the Council leads on meeting the challenge of climate change and 'future-proofing' each of the properties within the development in this manner would provide significant benefit in this direction.

8. A few points of clarification are offered to assist in the consideration of Members:
- The most proximate terrace within Flint Close is actually Nos. 44 to No. 49, not Nos. 44 to 50 as originally reported;
  - The closest point between the development and existing properties within Flint Close (Nos. 44 to 49) is approximately 17.5 metres and constitutes a front-to-front relationship. This grows as the site moves northwards towards the main part of Freeman's Green;
  - The closest point between the development and the existing flats at Sherd Lodge is approximately 21.5 metres;
  - The recess between the two blocks of dwellinghouses facing Flint Close is approximately 3 metres; and
  - The same between the first (southern-most) block and the other two (middle and northern-most) facing Sherd House is approximately 2 metres.
9. Reference has previously been made to a petition, however, this has never been submitted to the LPA for consideration. It is, however, anticipated that the points of representation found within that petition are most likely reflected within the representations received in response to this planning application.
10. Points have been raised in relation to ecology, fly-tipping and the highways implications. Taken in order, the following is noted:
- Ecology: The application has been reviewed by the Council's Ecologist, who has accepted the findings of the submitted ecological appraisal. Two conditions have been suggested for Members to consider and are viewed as appropriately and proportionately dealing with this matter.
  - Fly-tipping: This is a prevailing issue that is not unique to the area around Sherd Close. This existing issue cannot be attributed to the proposed development, however, a solution which could prevent future abuse and alleviate existing problems within the immediate vicinity has been identified and is reflected in the above-suggested condition.
  - Highways issues: It transpired that a significant part of the issue relating to highways pressures relates to the lack of traffic-calming infrastructure within Sherd Close itself, where vehicles frequently exceed the speed limit on approach and leaving Sherd House. This matter is for the Local Highways Authority and cannot be considered material to this planning application.

### *Concluding Remarks*

11. With regard to above-noted clarifications and additional conditions, the recommendation before Members remains the same; that is that approval should be granted subject to the conditions as set out in 'Appendix 1' of this report.

## **Appendix**

- Appendix 1: Conditions and Reasons
- Appendix 2: Original Report dated 29<sup>th</sup> July 2020

### **List of Background Papers - Local Government Act 1972, Section 100D**

12. Luton Local Plan 2011-2031
13. Planning Obligations SPD (2007)
14. Green Space Strategy Review (2015)
15. National Planning Policy Framework (*NPPF, or the Framework*)
16. National Planning Practice Guidance (*NPPG*)

### **Determination of Planning Applications**

17. 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**

18. 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.
19. 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**

20. 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**

21. 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.