

**DEVELOPMENT CONTROL COMMITTEE**

**6<sup>th</sup> October, 2004 at 6.00 p.m.**

PRESENT: Councillor Hoyle (Chair); Councillors Bashir, Boyle, Dolling, Farooq, Johnston, Stewart and Yasin.

**138 THE MALL ADJACENT TO NO. 87 THE ARNDALE CENTRE (REF: 7.2)**

The Development Control Manager reported on Application No. 04/01049/COU submitted by Prudential Property Investments in respect of the change of use of open Mall space adjacent to No. 87 Arndale Centre to Class A3 use.

He reported that the proposal, the subject of the application was contrary to Policy S2 of the Borough of Luton Local Plan which sought to support proposals to increase retail provision in the area and which stated that permission would not normally be granted non-retail uses at ground floor level, and would therefore be a departure from the Borough of Luton Local Plan. The application had therefore been advertised in accordance with the requirements of the Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999.

He further reported that the proposal would not take up floorspace previously used for Class A1 use, and was in an underused area of the Arndale Centre. The proposal also accorded with the general objectives of Policies TC1 and TC2 of the Borough of Luton Local Plan which amongst other things sought to increase the attractiveness and convenience of the Arndale Centre to shoppers. It was therefore felt that the proposal was acceptable in this instance.

**Resolved to Recommend:** That Application No. 04/01049/COU be approved subject to compliance with the following conditions:-

- (01) The development hereby permitted shall be begun not later than the expiration of five 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) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995, (or any Order revoking and re-enacting that Order with or without modification) the use of the premises shall not be changed to any use falling within Class A2 specified in the

schedule the Town and Country Planning (Use Classes) Order, 1987, (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), without the prior permission of the Local Planning Authority. (Reason: To ensure that the development is consistent with the policies of the Borough of Luton Local Plan which includes a presumption against non-retail uses in this area).