

DEVELOPMENT CONTROL COMMITTEE

13th February 2013 at 6.00 p.m.

PRESENT: Councillor Lewis (Chair); Councillors M. Ayub, Campbell, Farooq, Hussain, Malcolm, Rivers and Whittaker.

4. APOLOGIES FOR ABSENCE (REF: 1)

Apologies for absence from the meeting was received on behalf of Councillors Dolling, Franks and Stewart.

5. MINUTES (REF: 2.1)

Resolved: That the Minutes of the meeting of the Committee held on 23rd January 2013 be taken as read, approved as a correct record and signed by the Chair.

6. LAND ADJACENT TO KESTREL WAY – VARIATION OF S106 AGREEMENT (REF: 7)

The Assistant Development Control Manager reported on further discussions with Aldwyck Housing Association following the decision of the Committee on 5th December 2012 not to waive s106 for the site at Kestrel Way (Minute: 74/12). She advised that Aldwyck had subsequently offered the commuted sum of £374,379 and advised that this represented 80% of the contribution required by Children and Learning and 68% of the total contribution. She sought the instructions of the Committee.

Members clarified with officers the original figures for the original s106 contribution and its breakdown and the offered contribution.

Resolved: That, as the site provided 100% affordable housing, the offered sum of £374,379 for the s106 contribution be accepted.

7. NOS. 15-16 CRESCENT ROAD, LUTON (REF: 8)

The Planning Officer reported on Application No. 12/01192/FUL submitted by Mr T. Loy for planning permission in respect of conversion and change of use of hotel (Class C1) to 12 No. One-bedroom flats (Class C3) together with minor alterations at 15-16 Crescent Road, Luton.

He further reported on a letter raising concerns that had been received.

Received: That Application 12/01192/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 Nos. 01, 02, 04, 06, 07, 08, and 09. (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.)
- (03) 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.)
- (04) Full details of the design and means of construction of the proposed bin and cycle stores for the flats shall be submitted to and approved by the Local Planning Authority before the development is commenced and the details thereby approved shall be installed prior to the first occupation of any residential unit 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.)
- (05) 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, H2 and ENV9 of the Luton Local Plan.)

- (06) A management plan, including management responsibilities and maintenance schedules, for all internal and external shared/common areas of the development shall be submitted to and approved by the Local Planning Authority prior to the first occupation of the development hereby approved. The management plan shall be carried out in full 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 ENV9 of the Luton Local Plan.)
- (07) Before the use hereby permitted is commenced full details shall be submitted to and approved by the Local Planning Authority showing a parking area for 11 vehicles, the parking area shall be constructed in accordance with the approved details before the first occupation of the development 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 Policies LP1, and H2 of the Luton Local Plan.)
- (08) 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 development hereby approved is first occupied. (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, H2 and ENV9 of the Luton Local Plan.)
- (09) No trees shall be lopped, topped or felled without the prior approval of the local planning authority, in advance of a landscaping scheme for the site being approved and that scheme shall indicate the location of all the trees existing on the land together with the species of each tree. (Reason: To 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.)

- (10) Before any work on site is commenced, full details shall be submitted to and approved by the local planning authority for the safeguarding of the trees, shrubs and/or hedges within the site. The safeguarding measures thereby approved shall be implemented prior to the commencement of any demolition works, removal of topsoil or commencement of building operations and retained in a position until development is completed. The land so enclosed shall be kept clear of plant, building materials, machinery and other objects and the existing soil levels not altered. (Reason: To safeguard the existing trees, shrubs and/or hedges on the site. To accord with the objectives of Policy(ies) LP1, H2 and ENV9 of the Luton Local Plan.)

8. DEPOSITED PLANS AND APPLICATIONS FOR PLANNING PERMISSION AND OTHER PROPOSALS (REF: 9.1 to 9.4 and 9.7)

The Assistant Development Control Manager reported on certain applications for planning permission. She 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 Objector (O) addressed the Committee under the Council's Right to Speak Policy.

Members of the Committee had earlier inspected a number of the Application sites.

| Application No. | Number of representations Objection / Support | Right to Speak |
|------------------------|-------------------------------------------------------------------|-----------------------|
| 12/01271/FUL | No representations | A |
| 12/01297/FUL | One letter of objection | A |
| 12/01405/COU | Two letters and a petition containing 39 signatures in support | A |

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 the Applications detailed in Schedule 'A (2)' to these Minutes be Refused for the reasons stated therein.

(Note: Councillor Whittaker declared a personal interest in Application No. 12/01297/FUL in that she had requested that the matter should be determined by the Committee and left the room during consideration of this matter.)

9. SALVATION ARMY HALL, SARUM ROAD, LUTON (REF: 9.5)

The Assistant Development Control Manager reported on Application No. 12/01286/FUL submitted by Mr Mohammed Ali for planning permission in respect of the erection of a first floor extension on existing building and single storey front extension – resubmission – at Salvation Army Hall, Sarum Road, Luton.

She further reported on 45 letters and a petition containing 82 signatures received in support and 10 letters and a petition containing nine signatures received in opposition.

Members of the Committee had earlier visited the application site.

In accordance with the Council's Right to Speak Policy, the Applicant's Agent, a supporter and two objectors addressed the Committee. Councillor Burnett also addressed the Committee in her capacity as a Ward Councillor.

The Chair formally moved the Recommendation as printed in the Agenda:

That Application 12/01286/FUL be Refused for the following reason:

(01) The proposed development would injuriously affect the amenities of the adjoining properties by reason of increased noise and general disturbance from the intensification of the use of the building, contrary to Policies LP1 and LC4 of the Luton Local Plan.

On being put to the Committee the resolution was put to the vote and lost.

Councillor Hussain then proposed, and Councillor Farooq seconded, that Application 12/01286/FUL be granted, subject to the necessary standard conditions and additional conditions relating to hours of operation and the maximum number of persons who may be in the building at any one time, on the grounds that:

- The existing building was of an incongruous design in relation to the surrounding buildings; the proposed design was of a more harmonious style.
- As the existing building benefitted from pre-existing D1 consent, the Council could not control the numbers attending or the hours of operation; granting this consent would allow the imposition of appropriate conditions.
- The proposed works would address sound transmission through the structure to adjoining buildings.

- The Highways Manager had raised no objections to the proposed application on traffic grounds.

On being put to the Committee the resolution was put to the vote and was agreed and accordingly it was

Resolved: That Application No. 12/01286/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 in the schedule of plan numbers (01, 03, 04, 05, 07 & 09.). (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policy LP1 of the Luton Local Plan.)
- (03) Prior to the development hereby approved commencing samples of the materials to be used in the construction of the extension shall be submitted to and approved by the Local Planning Authority. The materials as approved shall be implemented in full 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 of the Luton Local Plan.)
- (04) Public worship shall take place solely within the confines of the building and there shall be no broadcasting of amplified speech or sound to the exterior of the building at any time. All external doors and windows shall be closed at all times when amplified sound is being operated within the building. (Reason: To protect the amenities of the neighbouring properties and to accord with the objectives of Policies LP1 and LC4 of the Luton Local Plan.)
- (05) No part of the site outside of the building shall be used for the purpose of worship at any time. (Reason: To protect the amenities of the neighbouring properties and to accord with the objectives of Policies LP1 and LC4 of the Luton Local Plan)
- (06) The use of the land and premises as a place of worship and teaching facility shall not operate outside of the hours of

08.00am to 21.00pm Monday to Friday; and 09.00am to 12.00noon Saturdays, Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority. (Reason: To protect the amenities of the neighbouring properties and to accord with the objectives of Policies LP1 and LC4 of the Luton Local Plan)

- (07) Other than during the period of Friday Prayer no more than 25 people including children shall be on the land or within the premises at any one time unless otherwise agreed in writing by the Local Planning Authority. (Reason: To protect the amenities of the neighbouring properties and to avoid the creation of possible traffic congestion within the surrounding highway network and to accord with the objectives of Policies LP1 and T3 of the Luton Local Plan.)

(Note: In accordance with Standing Order 20.3, Councillor Campbell required that his vote against the above decision be recorded.)

10. LAND REAR OF NO. 17 WINGATE ROAD, LUTON (REF: 9.6)

The Planning Officer reported on Application No. 12/01259/FUL submitted by Mr Sikandar Hayat in respect of the erection of three-bedroom bungalow at land rear of No. 17 Wingate Road, Luton.

He further reported on a letter of representation had been received, which raised no objection to the Application.

Members of the Committee had earlier visited the application site.

In accordance with the Council's Right to Speak Policy, the Applicant addressed the Committee.

The Chair formally moved the Recommendation as printed in the Agenda:

That Application 12/01259/FUL be Refused for the following reasons:

- (01) *The proposed dwelling, by virtue of its size and siting, would give rise to an undesirable, incongruous and obtrusive form of development that would fail to satisfactorily integrate with or complement its surroundings to the detriment of the prevailing character and appearance of the area. The proposal would thereby be contrary to Policies LP1, H2 and ENV9 of the Luton Local Plan and the objectives of the National Planning Policy Framework.*

- (02) *The proposal would result in a discordant form of development which would be out of scale and character with the existing dwelling and would be detrimental to the visual amenities of the surrounding area setting an undesirable precedent for further similar developments in the locality contrary to the aims and objectives of Policies LP1, H2 and ENV9 of the Luton Local Plan and the objectives of the National Planning Policy Framework.*
- (03) *The proposed development would injuriously affect the amenities of the adjoining properties by reason of visual intrusion, overlooking and loss of privacy. The proposal would thereby be contrary to Policy(ies) LP1, H2 and ENV9 of the Luton Local Plan and the objectives of the National Planning Policy Framework.*

On being put to the Committee the resolution was put to the vote and lost.

Councillor Hussain then proposed, and Councillor Farooq, seconded that Application 12/01259/FUL be granted, subject to the necessary standard conditions, on the grounds that:

- Planning consent was granted in 2005 for a building of similar size. At that time the Committee had thought the development to be acceptable. This consent had been allowed to lapse in 2010.
- At the time the 2005 application was considered, the Committee was of the view that the site was a waste of land.
- There was a need for more housing in Luton.

On being put to the Committee the resolution was put to the vote and was agreed and accordingly it was

Resolved: That Application No. 12/01259/FUL be approved subject to the following conditions:

- (01) The development hereby permitted shall be begun not later than the expiration of 3 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 and 03. (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, H2 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 enhance the appearance of the proposed development. To accord with the objectives of Policies LP1 and ENV10 of the Luton Local Plan.)
- (04) 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) no building, extension or other structure shall be erected, constructed or placed within the curtilage of any dwelling house hereby permitted without the prior permission of the Local Planning Authority. (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 Policies LP1 and ENV9 of the Luton Local Plan.)
- (05) Full details of the materials to be used in the construction of the walls and roof of the dwelling house 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 & ENV9 of the Luton Local Plan.)
- (06) The first floor window(s) in the east and west elevations of the dwelling house 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 Policies LP1 & H2 of the Luton Local Plan.)

- (07) 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 the water environment. To accord with the objectives of Policies LP1 and ENV14 of the Luton Local Plan.)
- (08) Pursuant to the satisfactory discharge of condition 07 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 the water environment. To accord with the objectives of Policies LP1 and ENV14 of the Luton Local Plan.)
- (09) Subject to the result of the studies required by conditions 07 and 08, 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 the water environment. To accord with the objectives of Policies LP1 and ENV14 of the Luton Local Plan.)

(Note: In accordance with Standing Order 20.3, Councillor Campbell required that his vote against the above decision be recorded.)

(Notes: (i) Agenda Items were considered in the following order: 9.5, 9.6, 9.4, 9.3, 9.7, 8, 9.1, 9.2 and 7

(ii) Councillor Hussain was present for Agenda items 9.5 and 9.6 only.

(iii) The meeting ended at 8.55 p.m.)

SCHEDULE 'A'**Minutes of DEVELOPMENT CONTROL COMMITTEE of 13th FEBRUARY 2013
DEPOSITED PLANS AND APPLICATION FOR PLANNING PERMISSION****(1) Planning Permission GRANTED subject to Conditions:**

| No. | Proposal | Conditions | Reasons |
|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12/01428/FUL | Change of use from B1 to motor vehicle repairs, bodywork, paintshop, valeting and associated/ancillary offices and erection of extensions. Factory Unit, Eaton Green Road, Luton (Mr A. Siggers) | (01) The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission. (02) The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved. (03) If during construction of the extensions contamination is found at the site, no further development shall be carried out. An investigation and risk assessment should be undertaken and where remediation is necessary a Remediation Strategy must be submitted and approved by the Local Planning | (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) To prevent pollution and protect water quality. To accord with Policies LP1 and ENV14 of the Luton Local Plan. (03) To prevent pollution and protect water quality. To accord with Policies LP1 and ENV14 of the Luton Local Plan. |

| No. | Proposal | Conditions | Reasons |
|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12/01428/FUL Cont'd... | | Authority. | |
| 12/01218/FUL | Demolition of existing garages and erection of 6 two bedroom flats and 2 one bedroom flats with associated car parking and landscaping. Thricknells Close garage block, Thricknells Close, Luton (Mr H. Baxter, Luton Community Housing Ltd) | (01) The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission. (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 | (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) To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policies LP1, ENV9 and ENV10 of the Luton Local Plan. |

| No. | Proposal | Conditions | Reasons |
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| 12/01218/FUL Cont'd... | | <p>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.</p> <p>(03) All planting included in the scheme submitted in compliance with Condition No. 2 of this permission and approved by the Local Planning Authority shall be carried out by a date not later than the end of the full planting season immediately following the completion of that development. 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.</p> <p>(04) A landscape management plan, setting out management and maintenance responsibilities for all hard</p> | <p>(03) To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policies LP1, ENV9 and ENV10 of the Luton Local Plan.</p> <p>(04) To ensure a satisfactory standard of development and to safeguard the amenities of the</p> |

| No. | Proposal | Conditions | Reasons |
|---------------------------|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12/01218/FUL Cont'd... | | <p>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.</p> <p>(05) Samples of the materials to be used in the construction of the external appearance of the development hereby permitted shall be submitted to and approved by the Local Planning Authority before the development is commenced.</p> <p>(06) 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</p> | <p>surrounding area. To accord with the objectives of Policies LP1, ENV9 and ENV10 of the Luton Local Plan.</p> <p>(05) To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policies LP1, ENV9 and H2 of the Luton Local Plan.</p> <p>(06) To ensure adequate safeguards are taken during construction of the development, having regard to existing ground conditions and the proposed use, and to prevent pollution risk to receptors. To accord with the objectives of Policies LP1 and ENV14 of the Luton Local Plan.</p> |

| No. | Proposal | Conditions | Reasons |
|--------------------------|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12/01218/FUL Con't... | | <p>Planning Authority has formally discharged this condition.</p> <p>(07) Pursuant to the satisfactory discharge of condition 6 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.</p> <p>(08) Subject to the result of the studies required by conditions 6 and 7, if required 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</p> | <p>(07) To ensure adequate safeguards are taken during construction of the development, having regard to existing ground conditions and the proposed use, and to prevent pollution risk to receptors. To accord with the objectives of Policies LP1 and ENV14 of the Luton Local Plan.</p> <p>(08) To ensure adequate safeguards are taken during construction of the development, having regard to existing ground conditions and the proposed use, and to prevent pollution risk to</p> |

| No. | Proposal | Conditions | Reasons |
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| 12/01218/FUL Cont'd... | | <p>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.</p> <p>(09) Following completion of remediation works if required, 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.</p> <p>(10) If during development contamination not previously identified is found to be present at the site, no further development shall be carried out. An investigation and risk assessment should be undertaken and where remediation is necessary a Remediation Strategy must be submitted and approved by the Local</p> | <p>receptors. To accord with the objectives of Policies LP1 and ENV14 of the Luton Local Plan.</p> <p>(09) To ensure adequate safeguards are taken during construction of the development, having regard to existing ground conditions and the proposed use, and to prevent pollution risk to receptors. To accord with the objectives of Policies LP1 and ENV14 of the Luton Local Plan.</p> <p>(10) To ensure adequate safeguards are taken during construction of the development, having regard to existing ground conditions and the proposed use, and to prevent pollution risk to receptors. To accord with the</p> |

| No. | Proposal | Conditions | Reasons |
|---------------------------|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12/01218/FUL Cont'd... | | <p>Planning Authority.</p> <p>(11) The windows in the northern 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.</p> <p>(12) 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 and 05.</p> <p>(13) A management plan, including management responsibilities and maintenance schedules, for all internal and external shared/common areas of the development shall be submitted to and approved by the Local Planning Authority prior to the first occupation of the development hereby approved. The management plan shall be carried out in full as approved.</p> | <p>objectives of Policies LP1 and ENV14 of the Luton Local Plan.</p> <p>(11) To protect the amenities of neighbouring properties. To accord with the objectives of Policies LP1 of the Luton Local Plan.</p> <p>(12) To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policies LP1, ENV9, ENV10 ENV14, H2, MF1, IMP1, T3 and T13.of the Luton Local Plan.</p> <p>(13) 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.</p> |

(2) Applications for Planning Permission REFUSED:

| No. | Proposal | Reasons for Refusal |
|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12/01405/COU | Change of use of ground floor retail shop and first floor two bedroom flat to a community day nursery for twenty 2-5 year olds. No. 140 Dallow Road, Luton (Mr Zaid Mohammed) | <p>(01) The failure to provide adequate provision for off-street parking in accordance with the Council's approved standards would result in vehicles being encouraged to park on the highway to the detriment of highway and pedestrian safety and the free flow of traffic. The proposal would thereby be contrary to Policies LP1 and T3 of the Luton Local Plan.</p> <p>(02) The proposed development would injuriously affect the amenities of the adjoining property by reason of noise and general disturbance. The proposal would thereby be contrary to Policies LP1 and LC6 of the Luton Local Plan.</p> <p>(03) The proposal is unsatisfactory insofar as it would result in the loss of residential accommodation without suitable justification for that loss, or suitable justification that there is a recognised local need for the proposed use. The proposal would therefore be contrary to Policy H1 of the Luton Local Plan</p> |
| 12/01297/FUL | Retention of a four storey building comprising 1 one-bedroom flat and 7 bedsits No. 1 Duke Street, Luton (Mr Rajendra Somal) | <p>(01) The proposal represents an over-intensive form of development which by virtue of its design and layout would be cramped, incongruous and inappropriate within its context and as such would result in unacceptable living conditions for the future occupiers in terms of living space, outlook and residential amenity. The proposal is therefore contrary to Policies LP1, ENV9 and H2 of the Luton Local Plan and the objectives of the National Planning Policy Framework.</p> |

| No. | Proposal | Reasons for Refusal |
|---------------------------|----------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12/01297/FUL Cont'd... | | <p>(02) The proposed development would by reason of location, orientation and design, result in the future occupiers of the bedsits having an oppressive outlook and inadequate natural light within the habitable rooms. The proposal would thereby necessitate the use of artificial lighting and would create a poor living environment for future residents contrary to Policies LP1, H2 and ENV9 of the Luton Local Plan and the objectives of the National Planning Policy Framework.</p> <p>(03) The proposal represents an overintensive development of the site to an extent where inadequate space remains for the proper provision of external amenity space for each of the dwelling units. The proposal is therefore contrary to Policies LP1, ENV9 and H2 of the Luton Local Plan and the objectives of the National Planning Policy Framework.</p> |
| 12/01271/FUL | Retention of boundary wall to side of property No. 47 Hayhurst Road, Luton (Mr F Shah) | <p>(01) The retention of the boundary wall is considered to have a detrimental impact on the visual appearance of the immediate street scene and wider character of the area. It fails to either enhance or improve the quality of the established character of the area and would set an undesirable precedent for similar forms of enclosure, as such it fails to meet the objectives of Policies LP1, ENV9 and H4 of the Luton Local Plan.</p> <p>(02) The boundary treatment fails to provide adequate pedestrian visibility splays to the detriment of pedestrian, cyclists or other road users safety, thereby setting an undesirable precedent for further similar proposals in the locality. The proposal would thereby be contrary to Policies LP1, ENV9 and T3 of the Luton Local Plan.</p> |