

Committee:	Development Control			
Date of Meeting:	21 April 2021			
Subject:	21/00113/REM: Approval of reserved matters relating to appearance, landscaping, layout and scale pertaining to outline planning permission reference 20/00108/OUT dated 9th October 2020 that granted planning permission for the erection of up to 110 residential dwellings and making good the newly exposed gable of the existing College building following demolition of the adjoining structure at Barnfield College.			
Address:	Barnfield College, New Bedford Road, Luton			
Applicant:	Taylor Wimpey			
Report Author:	Head of Planning			
Contact Officer:	Clive Inwards			
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:	Barnfield			

Purpose

1. To advise Members of a current application seeking approval of reserved matters 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 reserved matters approval is granted, subject to the condition set out below ('Appendix A');
 - (iii) That delegated authority is granted to the Head of Planning to make minor alterations to the condition, including adding and deleting conditions, following any Committee resolution to grant reserved matters approval (should any be required);
 - (iv) That, following any grant of reserved matters approval, delegated authority is granted to the Head of Planning to determine any subsequent applications related to this development seeking non-material amendments (Section 96A applications):

Condition ('Appendix A')

(01) Approved Plans and Documents.

REPORT

The Site and Surroundings

3. The application site is a broadly rectangular shaped area of land which comprises some of the existing college buildings and part of the College's playing fields and also includes a strip of land denoting the access to Barnfield Avenue to the north. The application site comprises an area of approximately 3.88 hectares. The site is bounded by the existing Barnfield College buildings and playing fields to the north and east, by residential properties in Kingsdown Avenue to the south and by the proposed linear park associated with the redevelopment of the college buildings (20/00111/FUL) to the west.

Fig. 1: Site Location Plan*



*Please note, all maps in this report are orientated with north at the top of the page unless otherwise stated.

Site History

4. A number of planning applications have been submitted on the College site relating to minor works, works to the car park, temporary classrooms and advertisement consent applications. However, the most significant applications are set out below.
5. 08/00172/OUT 'Demolition of existing college and erection of new further education college with associated sports facilities, parking and access.' Planning permission granted July 2008. This proposal incorporated new college buildings to the east of the existing built form, with five playing pitches laid out on a reduced area of playing field to the east and an extensive area of new landscaping with a stepped design, which included daylighting the River Lea, to the west of the new college buildings. The proposal was considered to be acceptable to Sport England and was considered

to accord with the Luton Local Plan 2001-2011 in policy terms. It is understood that the planning permission was not implemented due to the financial crisis at the time and the permission therefore lapsed.

6. 12/00751/OUT 'Proposed phased redevelopment to provide replacement college facility, new primary school, a new 88-bed car home facility, and up to 39 residential units together with associated parking and landscaping works'. Planning application withdrawn September 2012. This proposal incorporated residential development along the boundary of the site with Old Bedford Road and Barnfield Avenue, including a car home and primary school on the northern boundary. The proposal would have delivered seven new playing pitches in total, along with two artificial cricket wickets and changing facilities, on a reduced area of playing field. The reduced area of playing field was understood to have been acceptable to Sport England on the basis that the development would have brought significant benefits to sport. However, the application was not supported by Officers on the basis of housing density, loss of open space, over-provision of parking and lack of demonstrated need for the car home and primary school amongst other matters.
7. The current reserved matters application for appearance, layout, scale and landscaping pertains to the outline planning application 20/00108/OUT which was granted planning permission on the 9th October 2020. The outline planning application was for all matters reserved, except for access, for the demolition of existing buildings within the application boundary, erection of up to 110 residential dwellings and making good the newly exposed gable of the existing college building following demolition of the adjoining structure at Barnfield College. Members may recall that this application was reported to Development Control Committee on the 28th May 2020.

The Proposal

8. The application now before Members is not a planning application but rather an application for the approval of details that were not expressly considered at the outline planning stage, referred to as reserved matters. In this instance the reserved matters relate to appearance, layout, scale and landscaping of the residential development that already has the benefit of outline planning permission. The proposal is for 104 residential dwellings including parking, infrastructure and associated ancillary works pursuant to the outline planning permission. A mix of three, four and five bedroom houses are proposed with majority being two storeys in height but some also utilising the roofspace to provide accommodation, effectively 2½ storeys in height. The proposal is also providing for 244 allocated parking spaces, 36 visitor car parking spaces and 104 cycle parking spaces either within garages or cycle stores. The proposal also includes a central area of public open space within the site.

Fig. 2: Proposed Site Layout Plan



Policy Implications

National Planning Policy Framework (NPPF, or the Framework)

9. 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.
10. 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.

Planning Policy Guidance (PPG)

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

Luton Local Plan 2011-2031

12. The Local Plan was adopted on 7 November 2017. Within the Local Plan the application site is not allocated for any specific land use. It is not necessary to consider the principle of development and assessment against Policy LLP15 (Housing Provision) of the Local Plan as this has already been considered by the outline planning application (20/00108/OUT). However, other policies of the Local Plan are relevant to the current consideration of the scale, layout, appearance and landscaping of the development. These are Policies LLP1, LLP2, LLP25, LLP27, LLP28, LLP29, LLP30, LLP31, LLP32, LLP36, LLP37 and LLP38. These policies are paraphrased as below:

- *Policy LLP1 (Presumption in Favour of Sustainable Development)*: sets out a sustainable development strategy for the Borough;
- *Policy LLP2 (Spatial Development Strategy)*: sets out the spatial development strategy;
- *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 LLP27 (Open Space and Natural Greenspace)*: seeks to ensure that the type, quantity and quality of open space needed to support the development is provided on-site in accordance with the Council's open space standards;
- *Policy LLP28 (Biodiversity and Nature Conservation)*: seeks to ensure that developments enhance their visual and biodiversity value with appropriate planting of locally native trees, shrubs and hedgerows.
- *Policy LLP29 (Landscape and Geological Conservation)*: seeks to ensure that development proposals protect, conserve or enhance the character, setting and natural beauty of national and local landscape areas.
- *Policy LLP30 (Historic Environment)*: seeks to protect, conserve and enhance historic assets.
- *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;
- *Policy LLP32 (Parking)*: considers the parking requirements of development, stipulating expected provisions and highlighting the sustainability of Town Centre-proximate locations;
- *Policy LLP36 (Flood Risk)*: deals with matters of drainage and flood risk associated with development;

- *Policy LLP37 (Climate Change, Carbon and Waste Reduction and Sustainable Energy)*: considers the climate change implications of development; and
- *Policy LLP38 (Pollution and Contamination)*: relates to dealing with land contamination and environmental implications associated with development.

Facts of the Application

Material Site Details

<i>Strategic Allocation:</i>	No
<i>Conservation Area:</i>	No
<i>Setting of a Listed Building:</i>	No
<i>Flood Risk Zone:</i>	Yes
<i>Other:</i>	No

Housing

<i>Mix of Dwellings:</i>	Studio: 0 (0%) One-bedroom: 0 (0%) Two-bedroom: 0 (0%) Three-bedroom: 68 (65%) Four-bedroom+: 36 (35%)
<i>Internal Space Standards:</i>	NDSS Compliant: Yes
<i>External Space Standards:</i>	Appendix 6 Compliant: Yes
<i>Existing Use(s):</i>	N/A as the use has ceased: 3.88 hectares
<i>Proposed Use(s):</i>	Class C3:Houses would vary in size from 990 sqft to 1858 sqft.

Sustainability

<i>Car Parking:</i>	Existing Provision: Limited informal parking
	Proposed Provision: 280 (including 36 visitor parking)
<i>Cycle Parking:</i>	Existing Provision: 0
	Proposed Provision: 104
<i>Public Transport:</i>	Proximity of Train Station: 2.9km
	Proximity of Bus Stops: At entrance to the site.
<i>Parking Controls:</i>	Yes – some in the vicinity of the site including double yellow lines at the corner of Sherborne Avenue and Barnfield Avenue.

Public Consultation ('Appendix 3')

<i>Press Notice:</i>	Yes
<i>Site Notice:</i>	Yes
<i>Direct Consultation:</i>	Total Consulted: 155 Support: 0 Objection: 17 Other: 1
<i>Expiration of Statutory Period</i>	03 March 2021

Consultation Responses

Technical Consultation

13. The application was notified to many technical consultees and no significant issues have been raised towards the development, in some cases following the receipt of additional information. The technical consultees, together with the responses received, are captured at 'Appendix B' of this report.

Statutory Public Consultation

14. The application was notified to a number of neighbouring properties, a site notice posted and a press notice placed in the local paper. The notification exercise elicited 18 representations in total. Of these 17 were objecting to the proposal and one provided a comment. The comments raised by the consultation exercise are captured at 'Appendix C' of this report.

Report of the Officer

MAIN PLANNING CONSIDERATIONS

15. The main material planning considerations in this instance simply relate to consideration of the layout, scale, appearance and landscaping of the details now provided and these are addressed, in turn, below. It is not necessary to consider the principle of development, matters relating to the access onto Barnfield Avenue or any issues that go to the heart of the outline permission (such as affordable housing and planning obligations), as these matters were considered in detail in the assessment of the outline planning application reference 20/00108/OUT.

Layout

16. The layout of the proposed residential properties appears to be logical and acceptable. It adopts established urban design principles such as back to back relationships between both proposed houses on the site and between existing properties in Kingsdown Avenue and the proposed houses, makes good use of the site without overdeveloping it and would also create a legible development with a sense of place, in large part created by the central area of public open space.
17. In terms of the internal access road layout, the access road to Barnfield Avenue joins a ring road which then interlinks with another loop to provide connectivity and permeability. The proposed highway arrangement and use of differing highway types provides a clear hierarchy of roads directing movement back towards the site access and the loop roads provide easy access, permeability and choice of travel direction. The Highway Authority have raised no issue with the internal access road layout. It is the applicant's intention that all highways will be adopted by the Local Authority and they have therefore been designed and would be constructed to the adopted standards. Further, the application documents demonstrate that all roads have been tracked for refuse and emergency service vehicles which is welcomed.
18. The layout has also ensured that it avoids any loss of privacy to residents of existing properties on Kingsdown Avenue by adopting a back to back relationship as set out above and also providing suitable separation distances of approximately 42m through the provision of suitably lengthy rear gardens. Additionally, the layout demonstrates that each three bedroom property is provided with two dedicated parking spaces, the four and five bedroom properties are provided with three

dedicated parking spaces and that 36 visitor parking spaces are also provided at strategic locations within the site which complies with the maximum parking standards set out in the Local Plan. Further, the layout demonstrates that it can provide a suitable private amenity area for each house in excess of the minimum 90m² standard set out in Appendix 6 of the Local Plan. Finally, the layout has demonstrated that the proposed houses are kept out of Flood Zones two and three towards the south-western corner of the site. Accordingly, the proposed layout of the site is considered to be acceptable

Scale

19. The majority of the houses proposed would be two storeys in height with the occasional use of 2½ storeys as demonstrated below:

Fig. 3: Storey Heights



20. This scale of development is considered to be acceptable within the context of the established residential areas around the existing College site. The 2½ storey houses simply seek to utilise the roofspace to provide additional accommodation which is an efficient use of the building and would add interest to the street scene and roovescape. This scale of development also complies with the parameters set out the

outline stage where the approved drawings allowed up to three storeys in height. Thus the scale of development is considered to be acceptable.

Appearance

- 21.** The self-contained nature of the site allows the proposal to create its own identity, whilst respecting the character of the wider residential area. Accordingly, the houses would adopt a high quality red-multi brick, with selected locations for an Ivory render, and utilisation of a slate colour roof. A selection of the proposed street scenes are provided below:

Fig. 4: Example Street Scene Elevations.





- 22.** These example street scenes demonstrate that the houses would have a suitable appearance and the exact materiality of the houses is also controlled through condition five on the outline permission which requires samples of materials to be provided and for these materials to be expressly approved by the Local Planning Authority.
- 23.** In addition to the materials for the houses themselves, details are also provided of the hard surfaces which include concrete paviors, block paving, paving slabs as well as asphalt. These materials for the hard surfaces would contribute positively to the overall appearance of the development and are considered to be acceptable. The landscaping proposed would also contribute to the overall appearance of the development proposal and this is considered below.

Landscaping

- 24.** The current reserved matters application includes significant detail on the proposed landscaping within the site, including a specification for landscape and horticultural works, a landscape management plan as well as detailed planting plans for the site. The details demonstrate the proposed landscaping has formed an integral part of the design of the site, and as set out above, the central area of public open space would form an attractive feature of the site. The landscaping details include planting a significant number of new street trees throughout the site as well as the planting of native hedges, Hornbeam hedges and native shrubs. The attention to the detail of the landscaping of the site is welcomed as it would assist in creating a pleasant living environment for future residents and demonstrates compliance with Policies LLP1 and LLP25 of the Local Plan and the principles set out within section 12 of the NPPF. Finally, it is noted that landscaping details have been revised to include hedging and fencing around the northern and eastern boundaries of the site which has addressed initial concerns from Bedfordshire Police.

Fig. 5: Landscaping Details



Other Issues

- 25.** Policy LLP15 of the Local Plan has a general requirement that new dwellings should respond to the housing need requirements of the area as identified in the Strategic Housing Market Assessment (SHMA). The SHMA sets out that the greatest requirement is for three bedroom houses but that there is also a requirement for four and five bedroom houses. The details now provided demonstrate that 68 x three bedroom properties and 36 x four and five bedroom properties would be provided, which is considered to be an excellent mix of units, entirely in accordance with Policy LLP15 of the Local Plan.
- 26.** Whilst the principles of sustainable development were generally considered at the outline planning application stage, the applicant has also submitted a Sustainability Statement to demonstrate that the reserved matters will also incorporate key sustainable practices to be incorporated into the design and construction of the development. The Sustainability Statement covers material selection, pollution during construction, waste management, health and well-being, water efficiency and carbon dioxide emissions. Key elements of the Sustainability Statement demonstrate that the proposal will deliver energy efficient homes, the forecasted CO₂ emission rate for the development would better the current Building Regulations by 6.51%, measures will be incorporated into the design of each property to achieve a water consumption rate lower than 110 litres per day, best practice policies with regard to site pollution will be implemented as standard and a

comprehensive, efficient and robust site waste management plan would be implemented to adhere to the waste hierarchy of reduce, re-use and diversion from landfill. The attention to sustainability principles is welcome and is considered to comply with Policy LLP37 of the Local Plan.

Conclusions

- 27.** The foregoing report demonstrates that the submitted details relating to the proposed layout, scale, appearance and landscaping of the development would result in a suitably high-quality form of development that would respect the wider character and appearance of the area. The proposals are thereby considered to accord with the relevant Local Plan policies and relevant parts of the NPPF and, on that basis, conditional approval of the reserved matters application is recommended.

Appendices

- Appendix A: Conditions and Reasons
- Appendix B: Technical Consultation Responses
- Appendix C: Public Consultation Responses

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

- 28.** Luton Local Plan 2011-2031
- 29.** National Planning Policy Framework (*NPPF, or the Framework*)
- 30.** National Planning Practice Guidance (*NPPG*)

Determination of Planning Applications

- 31.** 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

- 32.** 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.
- 33.** 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

- 34.** 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

- 35.** 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 A: Conditions and Reasons

- (01) *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: FW2037-108-01 REV A2; FW2037-108-02 REV A2; FW2037-108-03 REV A2; FW2037-108-04 REV A2; FW2037-108-05 REV A2; ID171-001; ID171-010; ID171-102; ID171-103; ID171-200 NA34 COLTFORD BRICK; ID171-201 NA44 MANFORD BRICK; ID171-202 NA45 MARFORD BRICK; ID171-203 NA51 WAYFORD; ID171-204 REV A NB31 BRAXTON BRICK; ID171-205 REV A NB51 GARRTON; ID171-206 NT30 ARDALE URBAN SQUARE; ID171-207 NT31 KINGDALE URBAN SQUARE; ID171-208 NT40 ROSSDALE RENDER; ID171-209 NT41 TRUSDALE URBAN SQUARE; ID171-210 PD30 AMERSHAM RENDER; ID171-211 NA45 MARFORD RENDER; ID171-212 NA44 MANFORD URBAN SQUARE; ID171-213 REV A NB51 GARRTON URBAN SQUARE; ID171-214 REV A NB31 BRAXTON URBAN SQUARE; ID171-215 NA34 COLTFORD URBAN SQUARE; ID171-216 NA34 COLTFORD RENDER; ID171-217 NT31 KINGDALE RENDER; ID171-218 NT41 TRUSDALE RENDER; ID171-219 NA45 MARFORD RENDER; ID171-220 SINGLE GARAGE; ID171-221 PAIRED SINGLE GARAGES; ID171-222 PAIRED SINGLE/SALES GARAGES; ID-171-223 RETAINING WALL; ID171-224 NB51 PLANS GARRTON; ID171-226 NB31 BRAXTON PLANS; 7370.PP.4.0 REV D; 7370.PP.4.1 REV D; 7370.PP.4.2 REV D; 7370.PP.4.3 REV D; 7370.PP.4.4 REV D; 7370.PP.4.5 REV D; SPECIFICATION FOR LANDSCAPE & HORTICULTURAL WORKS 7370.LAND.SPEC.001 DECEMBER 2020 and LANDSCAPE MANAGEMENT PLAN 7370.LMP.001 DECEMBER 2020.*

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

Appendix B: Technical Consultation Responses

- **LBC Highways:** The Highway Authority generally finds the drawings acceptable with regard to layout. The issue regarding access arrangements to the sub-station has also now been clarified.
- **LBC Environmental Protection:** No objections but observations for the applicant to note provided in relation to noise and lighting.
- **Thames Water:** With regard to surface water, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water they would have no objection. Thames Water would advise that with regard to foul water sewerage network infrastructure capacity, there is no objection.
- **LBC Parks:** No comments received. Any comments shall be reported at the Meeting.
- **LBC Lead Local Flood Authority:** Happy with the submitted information, subject to a condition relating to surface water drainage. *NB the proposed condition duplicates a condition on the original outline permission and is therefore is not recommended to be re-imposed on any reserved matters approval.
- **Bedfordshire Fire and Rescue:** Standard advice received in relation to access and facilities for the Fire Service, the provision of fire hydrants and the recommended installation of sprinklers. In relation to this site specifically it is commented that the nearest existing fire hydrant is located on Barnfield Avenue, opposite the junction of the access road to the site, over 175m from the site itself. Accordingly, the developer must provide fire hydrants in line with the details provided. *NB the applicant has committed to providing the necessary hydrants.
- **Bedfordshire Police:** Initial concerns now addressed by the submission of revised details.
- **Sport England:** With regard to the submitted reserved matters, Sport England raises no objection to the submitted details.

Appendix C: Public Consultation Responses in Response to the Consultation

- **Issue: Opposed to Further Residential Dwellings in this Area and the Further Traffic Congestion that Would Result.**
 - *Officer Consideration: The principle of further residential dwellings was considered in the outline planning application 20/00108/OUT which also considered access on to Barnfield Avenue and the resultant impact on the highway network.*
- **Issue: An Increase in Residents Would Result in More Pressure on Local Schools and Surgeries.**
 - *Officer Consideration: The increase in the number residential properties in the area was considered in the outline planning application 20/00108/OUT.*
- **Issue: Insufficient Car Parking.**
 - *Officer Consideration: Addressed within the body of the report. There is considered to be appropriate parking provision in accordance with the Council's standards.*
- **Issue: Loss of Greenfields / Open Space.**
 - *Officer consideration. The issue of the loss of part of the existing playing fields was considered in the outline planning application 20/00108/OUT.*
- **Issue: What Measures are in Place with Regard to Potential Flooding?**
 - *Officer Consideration: Addressed within the body of the report and noted that the residential development has been sited outside of Flood Zones 2 and 3.*
- **Issue: Out of Keeping / Detrimental Impact on the Character and Appearance of the Area.**
 - *Officer consideration. Addressed within the body of the report and also in consideration of the outline planning application 20/00108/OUT. It is considered that the houses proposed would be in keeping with the character of the wider residential areas around the College.*
- **Issue: Loss of Privacy / Overlooking.**
 - *Officer Consideration: Addressed within the body of the report and noted that there would be sufficient separation distances between existing and proposed properties.*
- **Issue: Loss of / Blocking of Views.**
 - *Officer consideration. There is no right to a view in established planning law and the proposal would not be detrimentally overbearing on existing properties.*
- **Issue: The Plans do not Show a Direct Pedestrian and Cycle Access from the Site across the Linear Park to New Bedford Road.**
 - *Officer consideration. The Linear Park lies outside the boundary of this application but it is noted that western side of the site would not be fenced off from the Linear Park and as such there would be permeability through to the Park and then on to New Bedford Road.*
- **Issue: No Community Benefit from the Proposals.**

- *Officer consideration. The issue was addressed in the outline planning application 20/00108/OUT.*
- **Issue: Additional Traffic Would Result in Additional Noise and Pollution.**
 - *Officer Consideration: Addressed within the consideration of outline planning application 20/00108/OUT where the additional traffic from the development and its associated impacts were considered.*
- **Issue: Contrary to the Development Plan.**
 - *Officer Consideration: The proposal is not considered to be contrary to the Local Plan and complies with many policies within the plan. This is addressed in detail within the body of the report.*
- *Please note that the above is only intended to summarise the nature of the representations received by third parties for the benefit of Members. The full comments received by objectors can be viewed on the Council's Public Access system.*