

DEVELOPMENT CONTROL COMMITTEE

23rd February, 2005 at 6.00 p.m.

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

IN ATTENDANCE: Councillors Abid, Patten and Roden

25 APOLOGIES FOR ABSENCE (REF: 1)

Apologies for absence from the meeting were received on behalf of Councillors Franks and Johnston.

26 MINUTES (REF: 2.1)

Resolved: That the Minutes of the meeting of the Committee held on 2nd February, 2005 be taken as read, approved as a correct record and signed by the Chair.

27 NO. 45 HAVELOCK ROAD (REF: 7.1)

The Development Control Manager reported that following information received from Private Sector Housing a site visit had confirmed the unauthorised conversion of a terraced house into flats and rooms in multiple occupation at No. 45 Havelock Road.

Resolved: That the Head of Legal Services be instructed to serve an appropriate Enforcement Notice(s) under Section 171A of the Town and Country Planning Act 1990 in order to secure the cessation of the unauthorised use of the properties as self contained flat(s) and rooms in multiple occupation within a period of six months from the date the Notice takes effect

28 105-107 STOCKINGSTONE ROAD (REF: 7.3)

The Development Control Manager reported that following the receipt of two letters of complaint a site investigation had been carried out which had confirmed that roller shutters had been installed above which illuminated fascia signs had been placed at Nos. 105, 107 and 109 Stockingstone Road, he further reported that a double-sided internally illuminated projecting box sign was also being displayed between Nos. 105-107 Stockingstone Road all without the benefit of planning permission or advertisement consent.

The occupants had been requested to submit retrospective planning applications and talk to Officers with a view to achieving a satisfactory scheme, he advised that no response had been received, to date no applications had been received, nor had any remedial works been carried out on the site.

Resolved: (i) That no further action be taken in this instance in respect of the unauthorised shutter boxes at Nos. 105, 107 and 109 Stockingstone Road.

(ii) That if the luminance levels exceed the guidelines set out in the Town and Country Planning (Control of Advertisements) Regulations 1992, the Head of Legal Services be instructed to commence appropriate prosecution action under the Regulations to secure the removal of the unauthorised illuminated fascia signs at Nos. 105, 107 and 109 Stockingstone Road.

(iii) That if the projecting box sign is not relocated and reduced in size the Head of Legal Services be instructed to commence appropriate prosecution action under the Town and Country Planning (Control of Advertisements) Regulations 1992 to secure the removal of the unauthorised illuminated projecting box sign between Nos. 105 and 107 Stockingstone Road.

29 NOS. 46-52 PARK STREET (REF: 7.6)

The Development Control Manager referred to Minute 156/04 and further reported on Application No. 04/01870/FUL submitted by GPS Properties for planning permission for the erection of an additional one and two storeys and conversion of upper floors to 39 one-bedroom flats at Nos. 46-52 Park Street.

He reported that the site, the subject of the application fell within a secondary shopping area/employment area identified on the Borough of Luton Local Plan.

Resolved: That subject to the receipt of amended plans showing parking space No. 1 deleted and the road entrance narrowed to ensure vehicles movements in the centre of the accessway Application No. 04/01870/FUL 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.)
- (2) Within the existing car parking area at the rear of the site, no fewer than 6 parking spaces shall be retained at all times for the use of residents and residents' visitors. (Reason: To ensure that adequate provision is made for vehicles to park clear of the highway in the interest of road safety. To accord with the objectives of Policy(ies) BP1, E1, E8 and T7 of the Borough of Luton Local Plan.)
- (03) Full details of the design and means of construction of the proposed bin stores shall be submitted to and approved by the Local Planning Authority before the development is commenced and the stores thereby approved shall be installed prior to the

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) BP1, E1, H1 and H2 of the Borough of Luton Local Plan.)

- (04) Before the converted building is used for any purpose it shall be insulated against internally generated noise in accordance with a scheme to be approved by the Local Planning Authority before any development is commenced. (Reason: To protect the amenities both of neighbouring properties and also of the future residents of the residential accommodation hereby approved. To accord with the objectives of Policy(ies) BP1, E1, E8 and H2 of the Borough of Luton Local Plan.)
- (5) The design and specifications of the proposed residential units shall be such that the night time noise levels within any bedroom, with windows closed, shall not exceed 30dB(A) LAeq and day time levels shall not exceed 40dB(a) LAeq. Details of noise insulation measures, including the windows to the front and rear facades of the building shall be submitted to and approved by the Local Planning Authority before any work is commenced and the approved insulation scheme shall be completed prior to the occupation of the development. (Reason: To protect the amenities of the residents of the development.)
- (6) The bathroom ventilation systems shall be fitted with attenuators to prevent noise transmission to bedrooms. (Reason: To protect the amenities of the residents of the development.)
- (07) Development shall not be begun until details of the junction between the access road and the highway have been approved in writing by the Local Planning Authority and the building shall not be occupied until that junction has been constructed in accordance with the approved details. (Reason: In the interests of visual amenity and highway safety. To accord with the objectives of Policy(ies) BP1 and E1 of the Borough of Luton Local Plan.)
- (08) A secure entry system shall be provided in accordance with a scheme to be submitted to and approved by the local planning authority before the development hereby permitted is commenced and the approved entry system shall be installed and fully operational prior to the occupation of the residential accommodation. (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) BP1 and E1 of the Borough of Luton Local Plan.)

- (09) Samples of the materials to be used in the construction of the external walls and fenestration of the extended building 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 Policy(ies) BP1 and E1 of the Borough of Luton Local Plan.)
- (10) A management plan, including management responsibilities and maintenance schedules, for all external areas of the development shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development for its permitted use. The management plan shall be carried out as approved. (Reason: To protect the amenities both of neighbouring properties and also of the future residents of the residential accommodation hereby approved. To accord with the objectives of Policy(ies) BP1 and E1 of the Borough of Luton Local Plan.)

30 HITCHIN ROAD – LAND AT BUTTERFIELD (REF: 7.7)

The Development Control Manager referred to Minute No. 56/01 and further reported on Application No. 04/01823/REM submitted by the East of England Development Agency for the approval of reserved matters (siting, means of access and external appearance) for Innovation Centre (Phase 1) on land at Butterfield, Hitchin Road.

He further reported on two letters of objection to the proposal which had been received.

He also reported on responses received to the consultations on the proposals from the Chilterns Conservation Board, Strategic Planning, the Police Architectural Liaison Officer, Bedfordshire County Council, Environment Agency, East of England Development Agency, North Hertfordshire District Council, Thames Water, South Bedfordshire District Council, Highways Development Manager (LBC) and Environment and Regeneration (LBC)

In accordance with the Council's Right to Speak Policy a representative of the Applicant addressed the Committee.

Resolved: That pursuant to Permission No. 00/00573/OUT, Application No. 04/01823/REM be approved insofar as it relates to the siting, means of access, design and external appearance for Phase 1 (Innovation Centre) of the Butterfield Development and compliance with the following condition:

- (01) Samples of the materials to be used in the construction of the exterior of the buildings 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 Policy(ies) E1 and E8 of the Borough of Luton Local Plan.

31 NO. 2 MOUNTFIELD PATH (REF: 7.8)

The Development Control Manager referred to Minute No. (38(i)/99 of Planning Visits Sub Committee and Minutes Nod. 158/03 and 166/03 and updated Members on the situation at Grand View, No. 2 Mountfield Path and of the material planning considerations resulting from works taken place on the site.

Members of the Committee had earlier inspected the Application site.

With the Chair's approval a complainant addressed the Committee.

Resolved: (i) That in view of the material facts no further action be taken at this time in respect of the condition of No. 2 Mountfield Path.

(ii) That the Development Control Manager be authorised to instruct the Head of Legal Services to take Section 215 action if the approved works are not completed, a fence installed and materials removed from the front of the site by 29th July, 2005

32 NOS. 39- 47 CHEAPSIDE (REF: 7.9)

The Development Control Manager reported on Application No. 04/01068/FUL submitted by GPS Properties for planning permission in respect of the demolition of existing buildings and redevelopment of land to provide a 5/7 storey building comprising 3 retail units, 50 one-bed flats with associated parking at Nos. 39-47 Cheapside.

He further reported on an objection to the proposal which had been received.

Resolved: That Application No. 04/01068/FUL be approved subject to:

(i) The satisfactory completion of a Section 106 Agreement (or such other legal agreement as may be appropriate) to secure the provision of affordable housing or the payment of a commuted sum in lieu thereof, and to ensure that the existing buildings are not demolished without a contract for the erection of the replacement building having first been entered into by the developers;

(ii) 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) 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 Policy(ies) BP1 and E1 of the Borough of Luton Local Plan.)
- (03) A management plan, including management responsibilities and maintenance schedules, for all external areas of the development shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development for its permitted use. The management plan shall be carried out as approved. (Reason: To enhance the appearance of the proposed development. To accord with the objectives of Policy(ies) BP1 and E1 of the Borough of Luton Local Plan.)
- (04) The area to be used for car parking in connection with the development hereby permitted shall not be used for any purpose other than for the parking of employees', residents' and visitors' cars and the standing of vehicles while servicing the premises and shall be ready for use prior to the occupation of the building(s) comprised in the development hereby permitted. (Reason: To ensure that adequate provision is made for vehicles to park clear of the highway in the interest of road safety. To accord with the objectives of Policy(ies) BP1, E1 and T7 of the Borough of Luton Local Plan.)
- (05) Security measures including external lighting and lighting for the basement parking and circulation areas shall be provided in accordance with a scheme to be submitted to and approved by the Local Planning Authority in discussion with the Police Architectural Liaison Officer before the development hereby permitted is commenced and the approved security scheme shall be installed and fully operational prior to the occupation of the building(s). (Reason: To ensure a satisfactory standard of development and in the interests of security and the prevention of crime. To accord

with the objectives of Policy(ies) BP1 and E1 of the Borough of Luton Local Plan.)

- (06) 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 building(s) hereby permitted is/are occupied. (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) BP1 and E1 of the Borough of Luton Local Plan.)
- (07) Samples of the materials to be used in the construction of the walls and roofing of the new building(s) 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 Policy(ies) BP1 and E1 of the Borough of Luton Local Plan.)
- (08) Before the development hereby permitted is commenced, a detailed site investigation shall be carried out to establish whether the site is contaminated, to assess the degree and nature of any contamination present, and to determine its potential for the pollution of the water environment and risk to other receptors. The method and extent of the investigation shall be agreed with the Local Planning Authority in consultation with the Environment Agency prior to the commencement of work. A method statement setting out the proposed means of dealing with any contamination present on the site, including measures to prevent pollution of groundwater and surface water, shall then be submitted to and approved by the Local Planning Authority in consultation with the Environment Agency before the development commences. The development shall then proceed in strict accordance with the measures approved. (Reason: To prevent pollution of the water environment. To accord with the objectives of Policy(ies) BP1, E1 and E10 of the Borough of Luton Local Plan.)
- (09) The construction of the surface and foul water drainage system shall be carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency and Thames Water Utilities before the development is commenced. (Reason: To prevent pollution of the water environment. To accord with the objectives of Policy(ies) BP1, E1 and E10 of the Borough of Luton Local Plan.)
- (10) The construction of the site foundations shall be carried out in accordance with details submitted to and approved in writing by the

Local Planning Authority before the development commences. (Reason: To prevent pollution of the water environment. To accord with the objectives of Policy(ies) BP1, E1 and E10 of the Borough of Luton Local Plan.)

- (11) The finished floor levels should be set no lower than the floor levels of the existing building. (Reason: To ensure that the development is subject to minimum risk of flooding.)
- (12) The design and specifications of the proposed residential conversion works shall be such that the night time noise levels within any bedroom, with windows closed, shall not exceed 30dB(A) LAeq and day time levels shall not exceed 40dB(A) LAeq. Details of noise insulation measures, including the windows to the front and rear facades of the building shall be submitted to and approved by the Local Planning Authority before any work is commenced and the approved insulation scheme shall be completed prior to the occupation of the development.
- (13) The development shall be constructed in such a way that no additional loading shall be placed on the culvert. (Reason: To ensure that the structural integrity of the culvert will not be affected by the imposed loading of the proposed development. Excessive loading could cause this structure to fail and may increase the risk of flooding to people and property. To accord with Policy(ies) BP1, E1 and E10 of the Borough of Luton Local Plan.)
- (14) No soakaways shall be constructed in contaminated ground. (Reason: To prevent pollution of groundwater. To accord with Policy(ies) BP1, E1 and E10 of the Borough of Luton Local Plan.)
- (15) The garden/amenity space approved as part of the development hereby permitted shall be available for use prior to the occupation of any flat or dwelling and shall be accessible to the occupants of all dwelling units in the scheme. (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) BP1, E1 and H2 of the Borough of Luton Local Plan.)

33 DEPOSITED PLANS AND APPLICATIONS FOR PLANNING PERMISSION AND OTHER PROPOSALS (REF: 7.2 AND 7.10)

The Development Control Manager reported on certain applications for planning permission. He also reported on objections 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.

Application No.	Number of Objections	Right to Speak
04/01399/FUL	3	
04/01813/FUL		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 Application detailed in Schedule "A(2)" to these Minutes be Refused for the reasons stated therein.

(iii) That the Application detailed in Schedule "A(3)" to these Minutes be Deferred for the reason stated therein.

(Note: (i) Councillor Skepelhorn disclosed a personal and prejudicial interest (as he lived next door) in the Application No.04/01813/FUL detailed in Schedule "A(2)" to these Minutes and left the meeting during consideration of the proposal)

(ii) Councillor Yasin disclosed a personal and prejudicial interest (as a friend of the Applicant) in Application No. 04/01399/FUL detailed in Schedule "A(1)" to these Minutes and took no part in the discussion or voting on the proposal)

34 DEVELOPMENT SITE, WHOLE SOUTH SIDE HOLLY STREET (REF: 7.10)

The Development Control Manager referred to Minute 87/03 and further reported on Application No. 04/01822/REM submitted by Woods Hardwick Ltd for the approval of reserved matters and discharge of Conditions (02) and (03) in relation to outline permission No. 02/01268/OUT on development site, whole south side Holly Street.

Resolved: That Condition Nos. 2 and 3 of Permission No. 02/01268/OUT dated 23rd March 2004 be hereby discharged.

35 VACANT LAND ADJACENT 218 BUTELY ROAD (REF: 7.10)

The Development Control Manager reported on Application No. 05/00026/REG3 submitted by the Department of Housing and Social Services under Regulation 3 of the Town and Country Planning General Regulations for consent for the erection of a 5 bedroom detached dwellinghouse to be used as a children's home on vacant land adjacent to 218 Butely Road.

He further reported on 5 letters of objection and written objections to the proposal from all three Ward Councillors which had been received. Members of the Committee had earlier inspected the Application site.

In accordance with the Council's Right to Speak Policy an objector, the Applicant and two Ward Councillors addressed the Committee.

Resolved: That for the purposes of the Town and Country Planning General Regulations 1992 the development proposed in Application No. 05/00026/REG3 be deferred for further information.

(Note: Councillor Stewart disclosed a personal and prejudicial interest in the above item in her capacity as Ward Councillor and objector and left the meeting during consideration of the proposal)

36 GARAGE COURT REAR OF 26-32 ST. KILDA ROAD (REF: 7.10)

The Development Control Manager reported on Application No. 05/00042/REG3 submitted by the Department of Housing and Social Services under Regulation 3 of the Town and Country Planning General Regulations for consent for the erection of a 5 bedroom detached dwellinghouse to be used as a children's home on the garage court rear of 26-32 St. Kilda Road.

He further reported on two letters and a 42 signature petition objecting to the proposal that had been received. Members of the Committee had earlier inspected the Application site.

Resolved: That for the purposes of the Town and Country Planning General Regulations 1992 the development proposed in Application No. 05/00042/REG3 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 Section 55 of the Town and Country Planning Act 1990 and the provisions of the Town and Country (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification) the garage facility hereby permitted shall be retained for the parking of a motor vehicle at all times. (Reason: To ensure that adequate provision is made for vehicles to park clear of the highway in the interest of road safety. To accord with the objectives of Policy(ies) T1 of the Borough of Luton Local Plan.)
- (03) Full details of the materials to be used in the construction of the walls and roof of the building shall be submitted to and approved by the Local Planning Authority before the development is commenced. (Reason: In the interests of visual amenity. To accord with the objectives of Policy(ies) H1 and E1 of the Borough of Luton Local Plan.)

- (04) The parking area for the dwelling, as identified on the approved plan, shall be laid out and ready for use prior to the occupation of the development hereby permitted. (Reason: To ensure that adequate provision is made for vehicles to park clear of the highway in the interest of road safety. To accord with the objectives of Policy(ies) BP1, E1, H2 and T7 of the Borough of Luton Local Plan.)
- (05) 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 building(s) hereby permitted is/are occupied. (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) BP1, E1 and H1 of the Borough of Luton Local Plan.)
- (06) The first floor window(s) in the south and east flank elevation(s) of the development shall be fitted with obscure glazing at all times. (Reason: To protect the amenities of neighbouring properties. To accord with the objectives of Policy(ies) BP1 and H1 of the Borough of Luton Local Plan.)
- (07) 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 hereby permitted without the prior 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) BP1 and H1 of the Borough of Luton Local Plan.)

37 NO. 13 ST. DOMINIC'S SQUARE (REF: 7.10)

The Development Control Manager reported on Application No. 04/01539/REG3 submitted by CAMD for Luton Borough Council under Regulation 3 of the Town and Country Planning General Regulations for planning permission for the change of use of premises from shop (A1) to restaurant/takeaway (A3) at 13 St. Dominic's Square.

He further reported on one letter of objection (reported to Committee in December) and a further 27 signature petition objecting to the proposal that had been received.

Resolved: That Application No. 04/01539/REG3 be refused for the following reason:

The proposed development would injuriously affect the amenities of the adjoining properties by reason of the generation of odours from cooking, which could not be satisfactorily ameliorated by a fume extraction system due to the physical constraints of the site. The proposal would thereby be contrary to Policy(ies) BP1 and E1 of the Borough of Luton Local Plan.

38 NOS. 42-44 PARK STREET (REF: 7.10)

The Development Control Manager reported on Application No. 04/01840/FUL submitted by Hartbourne Holdings Ltd for planning permission in respect of the demolition of building and erection of a 4/5 storey building comprising retail space and 22 no. one bedroom flats at 42-44 Park Street.

Resolved: That subject to the receipt of amended plans showing the deletion of the lift shaft Application No. 04/01840/FUL be approved subject to compliance with the following conditions:

- (01) The development hereby permitted shall be begun not later than the expiration of 5 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) Samples of the materials to be used in the construction of the wall elevations and roof of the new building 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 Policy(ies) BP1, E1, E8, H1 and H2 of the Borough of Luton Local Plan.)
- (03) The development hereby permitted shall not be carried out other than in complete accordance with the approved plans and specifications. (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) BP1, E1, E8, H1 and H2 of the Borough of Luton Local Plan.)
- (04) The ground floor of the building shall be used only for A1 purposes as defined in 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) and for no other purpose. (Reason: To ensure that sufficient regard is paid to the primacy of the retail function of the Town Centre Secondary Shopping Centre and the aims and objectives of Policy(ies) S2 of the Borough of Luton Local Plan.)
- (05) The design and specifications of the proposed residential conversion works shall be such that the night time noise levels

within any bedroom, with windows closed, shall not exceed 30dB(A) Laeq and day time levels shall not exceed 40dB(a) Laeq. Details of noise insulation measures, including the windows to the front and rear facades of the building shall be submitted to and approved by the Local Planning Authority before any work is commenced and the approved insulation scheme shall be completed prior to the occupation of the development. (Reason: To protect the amenities of the residents of the development. To accord with the objectives of Policy(ies) BP1, E1 and E12 of the Borough of Luton Local Plan.)

- (06) The bathroom ventilation systems shall be fitted with attenuators to prevent noise transmission to the bedrooms. (Reason: To protect the amenities of the residents of the development. To accord with the objectives of Policy(ies) BP1 and E1 of the Borough of Luton Local Plan.)
- (07) No development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. (Reason: To ensure that the proposed development does not have a detrimental impact upon the archaeological character of the area. To accord with objectives of Policy(ies) BP1, E1 and E5 of the Borough of Luton Local Plan.)
- (08) 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 ensure that any contamination on the site is treated effectively and to accord with Policy(ies) BP1, E1 and E13 of the Borough of Luton Local Plan and with the requirements set out in Planning Policy Statement 23: Planning and Pollution Control.)
- (09) Pursuant to the satisfactory discharge of condition (08) 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 ensure that any contamination on the

site is treated effectively and to accord with Policy(ies) BP1, E1 and E13 of the Borough of Luton Local Plan and with the requirements set out in Planning Policy Statement 23: Planning and Pollution Control.)

- (10) Subject to the result of the studies required by conditions (09) and (10), 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 ensure that any contamination on the site is treated effectively and to accord with Policy(ies) BP1, E1 and E13 of the Borough of Luton Local Plan and with the requirements set out in Planning Policy Statement 23: Planning and Pollution Control.)

39 LOCAL GOVERNMENT ACT 1972, PART VA (REF: 9)

Resolved: That, under Section 100A(4) of the Local Government Act 1972, the public be excluded from the remainder of the meeting as it is likely that if members of the public were present during consideration of the item remaining there would be disclosure to them of exempt information falling within Paragraph 13 of Part 1 of Schedule 12A to the Local Government Act 1972.

40 NO. 12 MONTROSE AVENUE (REF: 5.1)

The Development Control Manager reported on a monkey puzzle tree situated within No. 12 Montrose Avenue and requested that a Tree Preservation Order be placed on the tree.

Resolved: (i) That in the interest of general amenity, the monkey puzzle tree situated within the curtilage of No. 12 Montrose Avenue be made the subject of a Tree Preservation Order under Section 198 of the Town and Country Planning Act 1990.

(ii) That in accordance with Section 201 of the Town and Country Planning Act 1990, there be included in the Order a direction that the Order shall take effect immediately without previous confirmation.

(iii) That the Head of Legal Services be instructed to take all necessary action with regard to the making of the Order.

(Note: (i) The above item was considered by the Committee in pursuance of Sections 100B(1) and 100E(1) of the Local

Government Act 1972, the Chair having considered that the item should be dealt with as a matter of urgency.)

- (ii) Agenda Item 7.4 (No. 157 Chester Avenue) was withdrawn from the agenda as the pertinent issues had been remedied;**

- (iii) The following Applications were withdrawn from the Agenda by the Applicants - Agenda Items:
7.5 (Application No. 04/01768/FUL - 114-134 Midland Road)
7.10 (Application No. 04/01107/FUL – 35 Guildford Street)
7.10 (Application No. 04/01693/COU – 41 King Street)**

- (iv) The meeting ended at 8.45 p.m.)**