

DEVELOPMENT CONTROL COMMITTEE

WEDNESDAY 21st JANUARY 2015

RECOMMENDATION OF THE DEVELOPMENT CONTROL MANAGER

FOR APPROVAL OF PLANNING PERMISSION

APPLICATION NO: 14/00839/FUL
 PROPOSAL: ERECTION OF SINGLE STOREY REAR
 EXTENSION, INSTALLATION OF NEW PLANT
 ACOUSTIC ENCLOSURE HOUSING NEW
 PLANT AND AIR CONDITIONING UNITS, NEW
 CAR PARK LAYOUT, LANDSCAPING WHOLE
 OF EXTERIOR AND A 1.8 METRE HIGH CLOSE
 BOARDED FENCING
 LOCATION: THE ASHCROFT ARMS, 323 ASHCROFT ROAD
 APPLICANT: BASE BUILD SERVICES LTD
 WARDS AFFECTED: WIGMORE

RECOMMENDATION

APPROVE:

1. Subject to the conditions set out below:

- (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 numbers 02, 03, 05, 06, 08, 09, 10, 11, 12, 13,14,15,16.

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.

- (03) The materials used in the construction of the extension hereby permitted shall be the same colour, texture and design as the materials of the existing building.

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) 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 and ENV9 of the Luton Local Plan.

- (05) 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 customers 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 a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policy(ies) LP1 and T3 of the Luton Local Plan.

- (06) Details of the surfacing and drainage of any parking service area(s) hereby approved shall be submitted to and approved by the Local Planning Authority before the development hereby permitted is commenced. The details thereby approved shall be installed prior to the occupation of any building 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.

- (07) Prior to the occupation of the development, external lighting shall be provided on the site in accordance with a scheme to be submitted to and approved by the Local Planning Authority before the development is commenced. 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.

- (08) As a result of the proposed development and in the interests of effective traffic management, it will be necessary to impose no waiting restrictions on Marshalls Road within a period of 3 months of the date of this permission. The Council will require the applicant's to contribute up to a maximum of £2,500 towards the cost of the Traffic Regulation Order.**

Reason: To avoid traffic congestion on the highway in the interests of highway safety and convenience of pedestrians and other road users, and to protect the amenities of neighbouring properties. To accord with the objectives of Policies LP1 and T3 of the Luton Local Plan.

REPORT

BACKGROUND

2. This application was deferred at the meeting held on 15th October 2014 following information that had been received shortly before the meeting of revised details of the access and serving arrangements which Highway Engineering found to be unsatisfactory.

3. Since the report was written it has come to light that the site identified in the application was incorrect and should not have included the entire pub site. The north eastern end of the plot, an area of some 357 sq. metres and shown as green space in the application, is to be retained by Punch Taverns. Local residents have been informed of this change.
4. Highway Engineering are concerned that the proposed parking and servicing arrangements would not allow easy access for deliveries and some of the parking spaces may be difficult to access. This could lead to vehicles parking on Marshall Road and causing an obstruction, and it was therefore considered necessary that on street parking restrictions should be imposed on Marshalls Road.
5. Revised details have been received which Highway Engineering have found satisfactory. Morrison's have stated their willingness to contribute up to a maximum of £2500 towards the cost of preparing a Traffic Regulation Order.
6. A further condition has therefore been imposed (08) to secure the contribution

APPENDIX

7. Development Control Manager's Report dated 15th October 2014 to Development Control Committee.

CONCLUSIONS

8. The revised parking and servicing arrangements are satisfactory and it is recommended that planning permission be granted subject to the above conditions.

APPENDIX 1

DEVELOPMENT CONTROL COMMITTEE

WEDNESDAY 15TH OCTOBER 2014

RECOMMENDATION OF THE DEVELOPMENT CONTROL MANAGER

FOR APPROVAL OF PLANNING PERMISSION

APPLICATION NO: 14/00839/FUL
PROPOSAL: Erection of single storey rear extension, installation of new plant acoustic enclosure housing new plant and air conditioning units, new car park layout, landscaping whole of exterior and a 1.8 metre high close boarded fencing.
LOCATION: The Ashcroft Arms, 323 Ashcroft Road
APPLICANT: Base Build Services Ltd
WARDS AFFECTED: Wigmore

RECOMMENDATION

APPROVE

1. Approve subject to the conditions set out below:

- (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 numbers 02, 04, 05, 06, 07, 08, 09, 10 and 11.

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.

- (03) The materials used in the construction of the extension hereby permitted shall be the same colour, texture and design as the materials of the existing building.

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) 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 and ENV9 of the Luton Local Plan.

- (05) 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 customers 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 a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policy(ies) LP1 and T3 of the Luton Local Plan.

- (06) Details of the surfacing and drainage of any parking service area(s) hereby approved shall be submitted to and approved by the Local Planning Authority before the development hereby permitted is commenced. The details thereby approved shall be installed prior to the occupation of any building 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.

- (07) Prior to the occupation of the development, external lighting shall be provided on the site in accordance with a scheme to be submitted to and approved by the Local Planning Authority before the development is commenced. 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.

- (08) Details shall be submitted to and approved by the Local Planning Authority for the provision of secure and convenient cycle parking, and for the provision of a dustbin/enclosed refuse collection area which shall be installed prior to the commencement of use of the building.

Reason: To protect the amenities of neighbouring properties. To accord with the objectives of Policy(ies) LP1 and T8 of the Luton Local Plan.

REPORT

INTRODUCTION

2. The application is for Committee determination at the request of Councillors Moles and Rivers, and a petition received objecting to the proposal.
3. The application relates to the former Ashcroft Arms public house, located on the junction of Ashcroft Road with Marshall Road, which lies within a predominantly residential area. The retailer, Morrisons, are proposing to change the use from a public house (Class A4) to a retail shop (Class A1) which is permitted development under the Use Classes Order, and is therefore not part of the consideration of this application.

LUTON LOCAL PLAN ALLOCATION

4. The site has no land use allocation on the Luton Local Plan Proposal Map. Luton Local Plan. The Policies that are relevant to the determination of the application are LP1, ENV9, T3, T13 and the NPPF

POLICY IMPLICATIONS

5. Policy LP1, amongst other matters, would not permit development that does not improve the physical environment of the town, or improve the quality of life for residents.
6. Policy ENV9 sets out a number of criteria relating to design and expectations of development which includes that development should seek to enhance the character and appearance of the area and respect scale and proportions of existing buildings.
7. Policy T3 is concerned with the traffic implications and will not permit developments that will create highway safety problems.
8. Policy T13 sets out the maximum parking standards given in Appendix 4 to the plan.
9. Paragraph 215 of the NPPF advises that full weight can be given to local policies that are broadly consistent with the Framework.

PREVIOUS HISTORY

10. Two planning permissions granted in the 1980's relate to external alterations to the public house and are of little relevance to the determination of this application.

TECHNICAL CONSULTATIONS

11. Highway Engineering – The supermarket layout does not allow easy access for deliveries. Marshall Road is approximately 4.8 metres wide leading to Littlefield Road, which is narrower. These roads do not allow easy manoeuvring for HGV's, and the roads of the housing estate are such that no HGV could turn round and drive back out on to Ashcroft Road. There is concern should a HGV park on Marshall Road it will make it difficult for car drivers to pass, and parking on the footway would cause damage to the footpath and be hazardous for pedestrians.
12. The parking layout is such that driving forward into the disabled bay and those three next to it cannot be done in one manoeuvre. This is due to the position of the crossover and it may be possible can be overcome this by placing the crossover in the middle of the two parking rows, which should be wide enough for delivery vehicles so they can be unloaded by parking in the central aisle between the parking bays. This should be demonstrated that it is possible by vehicle tracking drawings.

13. The second of the existing crossovers should be removed as it leads onto a landscaped grassed area on which vehicles will be encouraged to park vehicles to park. The area should be fenced along Marshall Road and only accessed for maintenance purposes via the car park.
14. Bollards or other measures should be provided along the back of the footpath to prevent drivers driving on to frontage of the supermarket to Marshall Road.
15. Police Architectural Liaison Officer – No comments received
16. Environmental Protection – Have withdrawn their objections to the proposal following the submission of further information, and are satisfied that the new plant will not cause a noise nuisance to nearby residential properties.

NEIGHBOUR CONSULTATIONS

17. A site notice was displayed and 14 local residents notified. Two letters of objection were received and a petition signed by 400 local residents.
18. Concerns cited in the letters relate to noise and disturbance, limited provision for off street parking leading to parking on Marshall Road, and there is no need for another supermarket in the area. This last point is not a matter for consideration since planning permission is not required for the intended use of the existing building.
19. The petition relates to the loss of the public house which should be retained as a community use. Similarly, given that planning permission is not required for the use of the premises for retail purposes, this cannot be a matter for consideration by the Planning Authority.

MATERIAL PLANNING CONSIDERATIONS

20. The main planning considerations are the impact of the development on the street scene, and parking and servicing

STREET SCENE IMPACT

21. An existing wooden structure to the rear of the premises will be demolished and replaced by a slightly taller brick built building. Attached to the rear of the extension it is proposed to erect a 2.1 metre high timber acoustic enclosure housing plant air conditioning units and gas cooler units.
22. The proposed extension will be located on the south eastern boundary, at the furthest point from Marshall Road, from where it can be seen. There are proposed alterations to the north western elevations of the pub which involve replacement of three windows with entrance doors. The forecourt to Ashcroft Road will be enclosed by 1.8 metre close boarded fencing. It is considered that no harm would be caused to the appearance and character of the area and therefore not conflict with Policies LP1 and ENV9.

IMPACT ON ADJOINING OCCUPIERS

23. To the south east of the site is No 325 Ashcroft Road, a semi detached chalet bungalow. The existing timber building that is to be replaced is to the rear of the pub and on the common boundary, located 7.4 metres to the rear of the bungalow. The depth of the replacement building would remain the same, but the height would be increased by 600mm to 3.3 metres. The 2.1 metres high acoustic enclosure attached to the rear of the new extension would extend a further 4.96 metres and be set in 1 metre from the boundary. The rest of the boundary is a row of conifers, approximately 4 metres in height. It is considered that the proposal would not cause any material harm to the living conditions of the occupiers of No 325.
24. The Environmental Protection team are satisfied that the new plant and air conditioning equipment would not be a source of noise nuisance to nearby residential properties
25. The proposal would have little impact the other residential properties that adjoin the site.
26. It is concluded that the proposal is compliant with the objectives of Policy LP1

PARKING AND SERVICING

27. The large expanse of unsightly hardstanding that formed the parking area for the former pub will be reduced in size to provide an area of green space. Thirteen parking spaces are proposed, including one space for the disabled. The adopted parking standards contained in Appendix 4 to the local plan set out the maximum parking provision for developments. In the case of retail shops there is no set standard where the floor space, as in this case, is below 1000 sq metres. In these situations the parking amount will be determined having regard the Borough Council's transportation policies and objectives set out in the Local Plan. The proposed parking provision is considered satisfactory.
28. Highway Engineering have raised a number of concerns relating to the layout of the car parking area and the ability of HGV's to enter and exit the site, along with several other issues. The Agent is aware of this which he is seeking to address. A further report will be made at the meeting.

CONCLUSIONS

28. The proposal would not have a detrimental impact on the appearance and character of the area or the amenities of neighbouring properties. Subject to the issues raised by Highway Engineering being resolved it is recommended that planning permission be granted subject to the above conditions.