

**COMMITTEE:** DEVELOPMENT CONTROL

**DATE:** 16<sup>TH</sup> MARCH 2005

**SUBJECT:** 15 HITCHIN ROAD  
DEMOLITION OF BUILDINGS AND ERECTION  
OF A 5 STOREY BUILDING COMPRISING 68  
ONE AND TWO BEDROOM FLATS WITH  
ASSOCIATED CRECHE AND LANDSCAPING.  
(APPLICANT: JEPHSON HOUSING ASSOCIATION  
GROUP)(APPLICATION NO. 04/01871/FUL).

**REPORT BY:** DEVELOPMENT CONTROL MANAGER

**CONTACT OFFICER:** DAVID HALL 546317

**IMPLICATIONS:**

LEGAL	COMMUNITY SAFETY
EQUALITIES	ENVIRONMENT
FINANCIAL	CONSULTATIONS
STAFFING	OTHER

**WARDS AFFECTED: HIGH TOWN**

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**PURPOSE**

1. To advise Members of the current application for planning permission and to seek their decision

**RECOMMENDATION(S)**

2. That planning permission is refused on the following grounds: -

- 1) The proposed development, by reason of its size, massing and bulk would be unduly prominent in the streetscene and as such would be detrimental to the character and visual amenity of the surrounding area and would set an undesirable precedent for further proposals of a similar nature. The proposal would thereby be contrary to Policies BP1, E1, E8 and H2 of the Borough of Luton Local Plan.

- 2) **The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that the noise levels within the proposed residential development (both within residential units and also within the external amenity areas and balconies) will be in accordance with planning guidance. The proposal is therefore contrary to Policies H2 and E12 of the Borough of Luton Local Plan and to Planning Policy Guidance Note 24 “Planning and Noise”.**
- 3) **The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that the levels of sunlight and daylight received within the development will be adequate to provide an acceptable living environment for future residents of the scheme. The proposal is therefore contrary to Policy H2 of the Borough of Luton Local Plan.**
- 4) **The proposed operational car parking is inadequate to meet the needs of the proposed development. The proposal is therefore contrary to Policy T7 of the Borough of Luton Local Plan**

## **BACKGROUND**

3. The application relates to the redevelopment of land at 15 Hitchin Road, formerly the Plowmans garage site.

## **REPORT**

### The Proposals

4. The application proposes the redevelopment of a site which has a history of commercial development and is currently occupied by buildings which are used for commercial development. The existing buildings are two storey in scale as are most of the buildings in the immediate surrounding area.

5. The planning application proposes the demolition of the existing buildings and their replacement with a building 5 storeys in height. The development involves the creation of an internal courtyard to provide operational car parking only and amenity space for the 68 one and two bedroom units (26 x one bedroom units and 41 x two bedroom units with one unit reserved for the caretaker). Documents submitted in support of the application include a Design Statement, an Environmental Noise Assessment and a Transport Statement.

### Site and Surroundings

6. The application site comprises land, which is used principally for commercial purposes; any open land on the site is used for car parking. The site is located on the eastern fringe of the High Town industrial area and is adjacent to a section of the inner ring road where junction improvements are planned (where Midland Road and Hitchin Road meet).

7. More generally, the area is characterised by a mixture of types and styles of property reflecting modern and older style development. The scale of the property in the area is

essentially two/three storey development; there is some residential development to the north east of the application site.

#### Planning History

8. The site has been the subject of a number of applications, all of which reflect the site's use for commercial purposes but which are not directly relevant to this application.

#### Relevant Planning Policy

9. The site is located in an area identified as an Employment Area and as a Local Shopping Centre on the proposals map in the Borough of Luton Local Plan. The relevant Policies are BP1, EMP1, EMP2, S1, T3 and T7.

#### Consultations and Publicity

10. As a result of technical consultations the following responses have been received:

11. Environmental Health (Environmental Protection) – Request that a condition is imposed requiring a site survey and remediation strategy to deal with any contamination on the site. Also raise concerns that the Noise Report accompanying the application indicates that the site is within Noise Category D as defined in PPG24, when applications for residential development would normally be refused. Also concerned that the noise report does not demonstrate that acceptable noise levels can be achieved within the proposed residential units.

12. Police Architectural Liaison Officer – Any approval to be conditional on 1) electronic access control at communal space points (this including the 2 stores) and, 2) CCTV of acceptable coverage and quality etc., for communal areas (if this is acceptable in principle, the number of cameras will unavoidably be quite extensive)

13. Environment Agency – No objections subject to conditions.

14. Thames Water – No objections.

15. Building Control – No comments received.

16. London Luton Airport – No safeguarding objections.

17. Three Rivers – The site is located within an Environment Agency defined Groundwater Protection Zone corresponding to Crescent Road Pumping Station. Construction works and operations of the proposed site should be done in accordance with the relevant British Standards and best management practices.

18. Housing – No comments received.

19. Highway Development Manager - Various technical requirements in the event of planning permission being granted. However, i) The Highway Authority has some concern that the proposed development provides family accommodation without any on site car parking provision, and notwithstanding that the site is edge of town centre, the assertions of the transport statement and existing waiting restrictions, it will lead to a demand for on street

parking in the vicinity. The Highway Authority therefore consider that the development should at least provide sufficient on site parking to cater for the family units.

20. Parks – No objections.

21. Local Plans – The proposal is contrary to the adopted Local Plan, which shows the application site as designated for shopping and employment uses. However a good quality scheme may result in “significant environmental improvements” to a prominent site. The proposed parking spaces are also far below the standards in the adopted plan. In this case there are significant material considerations. The emerging plan no longer protects the site for retail or employment uses. A residential scheme on this site would be consistent with the aims of H2 and HT1. Although low, the proposed car parking levels are consistent with the emerging plan and Government guidance. However, there may be local concerns with the lack of on site parking. It is very important to ensure a high quality of design on this prominent site. To conclude, the Local Plans Team has no objection to this application.

22. The Application has been notified to local residents. A site notice has been posted, and details of the application published in the paper. No letters of objection have been received.

### Main Considerations

#### Principle of Development

23. The application site is located in an area, which is identified in the Adopted Borough of Luton Local Plan as an Employment Area and a Local Shopping Centre. In the case of the former, the relevant policies are EMP1 and EMP2. EMP1 [D] presumes against development outside Use Classes B1-B8, except where such a change of use is required to achieve significant environmental improvements. Policy EMP2 also gives priority to retaining land in existing employment uses and seeks to encourage its re-use and regeneration. In the case of the latter, Policy S1 precludes against any change of use from retail use of the ground floor premises.

24. The emerging Luton Local Plan 2001 – 2011 Second Deposit Draft no longer identifies the site as being within an employment area, and in addition removes the Local Shopping Centre designation. The emerging Plan shows the site located in the High Town Area Policy where it is recognised that there is a need for regeneration.

25. In assessing the proposals, the advice of PPG3, in the context of the use of brownfield sites, is relevant. It may be considered that the principle of development is acceptable notwithstanding the policy guidance contained in the adopted Local Plan and updated by the more recent advice in PPG3 and the emerging Local Plan. The use of the site for residential development is not, therefore, considered to be inappropriate in policy terms, although any approval would be a departure from the current development plan.

#### Amenity Considerations

26. The proposal involves the complete redevelopment of the site. The two issues that arise in this respect are the matter of design (including the overall impact of the development in the locality) and the future living environment for the future occupiers of the flat units.

27. In the case of the former, the design of the building shows construction to 5 storeys, utilising a variety of materials with the common emphasis being the balcony elements. It is these elements which provide a horizontal emphasis to the appearance of the building. The area within which the site is located is mainly two storey and the proposed development would provide a dramatic transition in the locality when considered against the scale of the existing development. This variation would be accentuated by the lack of any obvious features on adjacent sites that might provide a graded change in building height.

28. In terms of amenity space provision, the development is designed to incorporate balconies and a shared space in the courtyard. The Council's standards for amenity space require the provision of 25 square metres for a two-bed unit and 5 square metres for a one-bed unit. These standards are not met but each flat will have its own balcony and there is opportunity to share the courtyard amenity area. Therefore, notwithstanding the shortfall in terms of calculated area, it is considered that the amenity space proposals can be accepted in this instance. However, there is concern about the height of the proposed building and the shadow that it would throw over the courtyard area and, indeed, the inward-facing windows of residential units, particularly at lower levels. This will affect future living conditions for residents and suggests that the building should be reduced in height to allow more light into the centre of the site.

#### Highway Considerations

29. The Highway Development Manager has raised concerns about the absence of car parking for at least the future occupiers of the two bedroom units. However, it is accepted that the site is well located in relation to public transport, in particular, the railway station. The plans also show an intention to provide cycle parking facilities within the scheme. It should also be noted that there are parking controls on the surrounding streets which will mean that on-street parking will not occur in the immediate vicinity of the site. Therefore, notwithstanding the concerns of the Highway Development Manager, it is considered that the provision of residents' parking facilities is not necessary in this instance.

30. There are concerns, however, about the operational parking as shown on the approved plans. This is only large enough to accommodate the caretaker's car. It is considered that there should be sufficient space to accommodate at least some disabled and/or short-term visitor parking with adequate space within the site for vehicles to turn and exit in forward gear.

#### Other Material Considerations

31. The provision of a crèche would provide a community facility, which would meet the needs of the community as a whole, and not just the occupiers of the flats.

32. The proposed development would not compromise the proposals for the Inner Ring Road.

#### **CONCLUSIONS**

33. It is considered that, although it is contrary to current local plan policy, the scheme is acceptable in principle because of its intention to provide a high quality and innovative building on a difficult but prominent site; it would provide an incentive for other development proposals in the area and could therefore provide a "kick start" to the regeneration planned for the High

Town Area in the Emerging Local Plan. However, in terms of building height and the residential environment that will result if the current scheme proceeds, there are unacceptable features of the scheme which suggest that planning permission should be refused in this instance. It is therefore recommended that the application be refused but that the applicants be advised that, if the issues mentioned above relating to building height, noise, received light and operational car parking can be addressed, a resubmitted scheme may be capable of receiving a permission.

**LIST OF BACKGROUND PAPERS**  
**LOCAL GOVERNMENT ACT 1972, SECTION 100D**

34. Borough of Luton Local Plan 1997
35. Second Deposit Draft Luton Local Plan 2001 - 2011
36. Application File No. 04/01871/FUL