

DEVELOPMENT CONTROL COMMITTEE

29th July 2020 at 6.00 P.M.

PRESENT: Councillor D. Taylor (Chair), Councillors Agbley, Ali, Bridgen, Campbell, Donelon, Franks, A. Hussain, M. Hussain, Rivers and Roche.

54. MINUTES (REF: 2.1)

That the Minutes of the meeting of the Committee held on 1st July 2020 be taken as read, approved as a correct record and signed by the Chair.

55. LUTON MALL, 46 GEORGE STREET, LUTON (REF: 7)

The Development Management Officer reported on Application No. 19/01498/FUL submitted by Mr P. Modwhadia, Pragma Homes Ltd, for planning permission in relation to the Conversion of former D1 use class space and plant room at second floor level to change to residential use with additional residential floor at third floor level, improvements to existing D1 space, creation of new D1 floor space at second and third floor level, bicycle storage at ground and first floor level, waste storage at basement level and new access lifts. Creation of 10 new dwellings (2x one-bed, 6x two bed and 2x three bed) at Luton Mall, 46 George Street , Luton.

He further reported that 14 neighbours had been notified of the application, by letter and a site notice and a press notice had also been issued. No representations in objection to the proposal had been received.

An update to the report was circulated to Members in advance of the meeting.

Resolved: i) That Application No. 19/01498/FUL be granted, subject to the conditions and their reasons set out below and reasons for approval as set out in the report, and subject to the satisfactory completion of a s106 agreement to secure delivery of a planning obligation with the following heads of terms;

Schools £57,256
Parks £15,000
Waste Management £393.12
Library Service £869
Luton Culture £1,396
Monitoring Fee 5% £3,745.70
Total £78,659.82:

(01) The development hereby permitted shall be begun not later than the expiration of 3 years beginning with the date of this permission. (Reason: To limit the duration of the permission in accordance with the provision of Sections 91 -96

of the Town & Country Planning Act 1990.)

- (02) The development hereby permitted shall not be carried out other in complete accordance with the approved plan and document Nos.: 050/EX/001 REV A, 050/EX/002 REV A, 050/EX/100, 050/EX/101, 050/EX/102, 050/EX/103, 050/EX/104, 050/EX/105, 050/EX/120, 050/EX/121, 050/EX/161, 050/PL/204 REV C, 050/PL/206 REV A, 050/PL/220 REV A, 050/PL/221 REV A, 240/PL/001, 240/PL/002, DC01, DC02, 050/PL/203, 050_PL_200 Rev. D, 050_PL_201 Rev. F, 050_PL_202 Rev. D and 050_PL_244. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area and adjoining occupiers.)
- (03) Prior to the commencement of the development, a detailed Construction Method Plan (CMP) shall be submitted to the Local Planning Authority for approval in writing, and the plan shall include the following:
- a) The construction programme and phasing.
 - b) Hours of operation, delivery and storage of materials.
 - c) Details of any highway works necessary to enable construction to take place.
 - d) Details of hoardings.
 - e) Management of traffic to reduce congestion.
 - f) Control of dust and dirt on public highway.
 - g) Details of consultation and complaint management with local businesses and neighbours.
 - h) Waste management proposals
 - i) Mechanisms to deal with environmental impact such as noise and vibration, air quality and dust, light and odour

All works shall be carried out in accordance with the approved CMP thereafter. (Reason: In the interest of highway safety and control of environmental impacts.)

- (04) A management plan, including management responsibilities and maintenance schedules, including details of ongoing maintenance, for all external and internal shared/common areas of the development shall be submitted in writing to the Local Planning Authority for approval prior to the occupation of the development for its permitted use. The management plan shall be carried out as approved. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.)
- (05) The amenity space approved as part of the development hereby permitted shall be laid out, retained and available for use prior to the occupation of any flat and shall be accessible to the occupants of all the flats in the scheme. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area and future residents.)
- (06) A landscape management plan, setting out management and maintenance

responsibilities for all hard and soft landscape areas, shall be submitted in writing to the Local Planning Authority for approval prior to the occupation of the development. The landscape development plan shall be implemented and retained as long as the lifetime of the development. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area and future residents.)

- (07) Full details of the materials to be used in the construction of the external walls, bond finish, roof and fenestration details shall be submitted in writing to the Local Planning Authority for approval before the development is commenced. The development shall only be completed in accordance with any approval. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.)
- (08) No development shall take place until a scheme for protecting the proposed dwellings from internal and external noise sources has been submitted in writing to the local planning authority for approval. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter. (Reason: To protect the amenity of future occupants of the proposed dwellings.)
- (09) Notwithstanding the submitted plans full details of the proposed cycle and refuse stores shall be submitted in writing to the Local Planning Authority for approval before the development hereby approved is commenced. The development shall only be completed and operated in accordance with any approval. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of surrounding area.)
- (10) Prior to first occupation of any part of the development, refuse and recycling management plan, including management responsibilities and maintenance schedules for all processes and relevant areas, shall be submitted in writing to the Local Planning Authority for approval. The refuse and recycling management plan shall be carried out as approved from first occupation/use and retained for the lifetime of the development. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area and future residents.)
- (11) Prior to the first occupation of the development, details of a scheme for renewable energy production equipment to provide at least 10% of the predicted energy requirements of the development shall be submitted in writing to the Local Planning Authority for approval. The scheme thereby approved shall be installed before first occupation or in accordance with a timetable to be agreed in writing by the Local Planning Authority as a part of those submitted details. The development shall be occupied only in accordance with those approved details and shall be retained thereafter for the lifetime of the development. (Reason: In the interests of sustainability.)
- (12) Prior to the first occupation of the building, a comprehensive scheme to provide site security measures, including details of ongoing maintenance, shall be

submitted in writing to the Local Planning Authority for approval. The scheme thereby approved shall be installed prior to first occupation and retained thereafter for the lifetime of the development. (Reason: To ensure a satisfactory standard of development and in the interests of security and the prevention of crime.)

INFORMATIVE:

The applicants are reminded that planning permission is required for the alteration or replacement of the windows in the George Street elevation.

On street residents parking permits will not be available for the future occupiers of the development. All new housing developments (including the redevelopment of existing housing) within the Controlled Parking Zones are excluded from entitlement to any parking permits.

No works shall be carried out within the confines of the public highway, including the erection of scaffolding, hoardings, excavation and placing of skips or materials, without the necessary licence under the Highways Act or New Road and Street Works Act from the Highway Authority. The applicant is advised that such licences will be conditional upon the applicant fully funding the reinstatement or reconstruction of any area of Public Highway affected by the works as determined by the Highway Authority and such funding will be secured by the deposit of a cash bond from the applicant with the licence application. The applicant is further advised that the Highway Authority will not permit the closure or occupation of any part of the carriageway.

(ii) That delegated authority be granted to the Head of Development Management to make minor alterations (including additions and deletions) to the conditions following any Committee resolution to grant permission (should any be required);

(iii) That following any grant of permission that delegated authority be granted to the Head of Development Management to determine any subsequent planning applications related to this development seeking minor material amendments (Section 73 applications).

(iv) That following any grant of permission that delegated authority be granted to the Head of Development Management to make minor amendments to the agreed S106 agreement through a Deed of Variation application.

56. OAKLEY HOUSE, 213 OAKLEY ROAD, LUTON (REF: 8)

The Development Management Officer reported on Application No. 19/01630/OUT submitted by Whitbread PLC, for planning permission in relation to the development of land for residential purposes, erection of 49 dwellings comprising of 28 flats (7 one-bed and 18 two bed) and 21 dwellinghouses (6 two-bed, 8 three-bed and 7 four-beds), at Oakley House, 213 Oakley Road, Luton.

She further reported that 25 properties had been notified of the application, a site notice and a press notice had also been issued. One letter of representation of objection to the proposal had been received.

An update to the report was circulated to Members in advance of the meeting.

Resolved: (i) That Application No. 19/01630/OUT be granted, subject to the conditions and their reasons set out below and reasons for approval as set out in the report, and subject to the satisfactory completion of the necessary mechanisms to secure delivery of a planning obligation with the following heads of terms;

9 on-site affordable dwellings (3 x 3bed 6 person flats and 6 x 2 bed 4 person flats)
£386,694 – Contribution towards Education
£3,585 – Contribution towards museums
£10,267 – Contribution towards open space
£5,429 – Contribution towards libraries
£2,692 – Contribution towards waste collection
Local Labour, training and procurement
Monitoring fee 5% of the total amount of the contributions (to a maximum of £5,000):

(01) In the case of any matter hereinafter reserved for the subsequent approval of the Local Planning Authority, application for this approval shall be made not later than the expiration of two years beginning with the date of this permission and the development hereby permitted shall be begun not later than whichever is the later of the following dates:

(a) The expiration of three years from the date of this permission
or

(b) The expiration of one year from final approval of the matters hereinafter reserved for the subsequent approval of the Local Planning Authority or in the case of approval on different dates, the final approval of the last such matter to be approved.

(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) Full details and particulars of all buildings and other works hereby permitted in respect of appearance, landscaping, layout and scale of the development shall be submitted to and approved by the Local Planning Authority before any above ground work is commenced. (Reason: To enable the Local Planning Authority to exercise proper control over the details of the development in the case of an outline planning permission granted under Part 2, paragraph 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).)

(03) Prior to commencement of the development findings from the infiltration testing as stated in the SUDS assessment and drainage strategy by Motion shall be submitted to the Local Planning Authority. (Reason: To prevent an increased risk of flooding and surface and ground water pollution.)

- (04) No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage using sustainable urban drainage methods and foul water drainage for the development has been submitted in writing to the Local Planning Authority for approval. The approved details shall be implemented prior to occupation of the development and retained thereafter. (Reason: To prevent an increased risk of flooding and surface and ground water pollution.)

INFORMATIVE:

Surface Water from the car park is likely to carry oil and hydrocarbons. It is therefore recommended that the onsite drainage system should incorporate an oil/water interceptor which acts to prevent petrol/oil being discharged into the surface and groundwater network.

- (05) No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including mitigation measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme of works) has been submitted writing to the Local Planning Authority for approval. Any piling must be undertaken in accordance with the terms of the approved piling method statement. (Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.)
- (06) 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: 7369-PL-033 Rev C, 7369-PL-100. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.)
- (07) Details of the surfacing and drainage of any parking service area(s) hereby approved shall be submitted in writing to the Local Planning Authority for approval before any above ground works commence. The details thereby approved shall be installed prior to the occupation of any building on the site. (Reason: In the interests of highway safety.)
- (08) Prior to the demolition of any buildings on the site, a detailed demolition method statement shall be submitted for approval to the Local Planning Authority. All Works thereafter shall be carried out in accordance with the approved demolition method statement. (Reason: In the interests of highway safety and control of environmental impacts.)
- (09) Prior to the commencement of the development, a detailed Construction Management Plan (CMP) shall be submitted for approval the Local Planning Authority, and the plan shall include the following:

- a) The construction programme and phasing
- b) Hours of operation, delivery and storage of materials
- c) Details of any highway works necessary to enable construction to take place
- d) Parking and Loading arrangements
- e) Details of hoarding
- f) Management of traffic to reduce congestion
- g) Control of Dust and Dirt on the public highway
- h) Details of consultation and complaint management with local businesses and neighbours
- i) Waste management proposals
- j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour
- k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures

All works shall be carried out in accordance with the approved CMP thereafter. (Reason: In the interests of highway safety and control of environmental impacts.)

- (10) Prior to first occupation of any part of the development, refuse and recycling management plan, including management responsibilities and maintenance schedules for all processes and relevant areas, shall be submitted in writing to the Local Planning Authority for approval. The refuse and recycling management plan shall be carried out as approved from first occupation/use and retained for the lifetime of the development. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area and future residents.)
- (11) Prior to the first occupation of the development hereby permitted, a scheme for external lighting shall be submitted in writing to the Local Planning Authority for approval. 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 be implemented prior to first occupation and thereafter be retained as approved for so long as the development remains in existence. (Reason: To ensure a satisfactory standard of development, to safeguard the amenities of adjoining occupiers and in the interests of highway and pedestrian safety.)
- (12) Prior to first occupation of any part of the development hereby permitted, full details of the boundary treatment of the site shall be submitted in writing to the Local Planning Authority for approval. Those approved details shall be installed prior to the first occupation of the development and retained thereafter. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area and future residents.)
- (13) Prior to commencement of the development hereby approved a scheme of habitat creation and enhancements which will provide ecological net gain on

the site shall be submitted for approval to the Local Planning Authority. As part of the scheme of habitat creation and enhancements hedge H2 as identified within the approved ecological survey shall be retained. The scheme thereby approved shall be installed/planted prior to first occupation and retained thereafter for the lifetime of the development. (Reason: In the interests of sustainability).

- (14) Prior to the demolition of any buildings on the site a bat survey of the buildings on site shall be carried out by a suitably qualified ecologist and submitted to the Local Planning Authority for approval. The development shall be carried out in accordance with the recommendations of the report. (Reason: In order to ensure that the development is not to the detriment of any protected species.)
- (15) A management plan, including management responsibilities and maintenance schedules, for all external and internal shared/common areas of the development shall be submitted to in writing to the Local Planning Authority for approval prior to the occupation of the development for its permitted use. The management plan shall be carried out as approved. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.)
- (16) No above ground construction works shall take place until full details of a landscaping scheme to include all hard surfaces, grassed areas, green roofs, roof terraces, tree and shrub plantings and the proposed times of planting, has been submitted to the Local Planning Authority in writing for approval, 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 and adjoining occupiers.)
- (17) Prior to the first occupation of the development, a scheme to provide CCTV, including details of ongoing maintenance, shall be submitted in writing to the Local Planning Authority for approval. The scheme thereby approved shall be installed prior to first occupation and retained thereafter for the lifetime of the development. (Reason: To ensure a satisfactory standard of development and in the interests of security and the prevention of crime.)
- (18) Prior to the first occupation of the development, details, of a scheme for renewable energy production equipment to provide at least 10% of the predicted energy requirements of the development shall be submitted in writing to the Local Planning Authority for approval. The scheme thereby approved

shall be installed before first occupation of the development hereby approved. The development shall be occupied only in accordance with those approved details and shall be retained thereafter for the lifetime of the development. (Reason: In the interests of sustainability.)

- (19) Prior to the first occupation of the development, a comprehensive scheme to provide site security measures, including details of ongoing maintenance, shall be submitted in writing to the Local Planning Authority for approval. The scheme thereby approved shall be installed prior to first occupation and retained thereafter for the lifetime of the development. (Reason: To ensure a satisfactory standard of development and in the interests of security and the prevention of crime.)
- (20) Prior to the commencement of above-ground works, samples of materials to be used in the construction of the external walls and roofing and balconies of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in full accordance with those approved materials. (Reason: To ensure that the development proposal uses high quality materials in the interest of visual amenity.)
- (21) No works involving excavations (for example, piling or the implementation of a geothermal open/closed loop system) shall be carried until a method statement which will include an intrusive ground investigation to identify appropriate techniques to avoid displacing any shallow contamination to a greater depth has been submitted in writing to the Local Planning Authority. Any excavations must be undertaken in accordance with the terms of the approved method statement. (Reason: To prevent an increased risk of flooding, surface and ground water pollution and to understand the risks posed to the nearby public water abstraction boreholes.)
- (22) Prior to the occupation of the building hereby permitted, an Electric Charging Point Strategy (ECPS) for the parking area shall be submitted in writing to the Local Planning Authority for approval. The development shall only be completed and operated in accordance with that approved scheme. The ECPS shall include details of how many charging points will be provided, where they will be located and how they will be managed and maintained. (Reason: In the interests of sustainability.)
- (23) Prior to the first occupation of the development, details of cycle storage shall be provided in writing to the Local Planning Authority for approval. The cycle storage shall be constructed in full accordance with those approved details before the development is first occupied and then shall be retained thereafter for its lifetime. (Reason: To encourage future residents to use more sustainable methods of transport.)
- (24) The development shall not be occupied until a means of access from Addington Way has been constructed in accordance with the approved plans. (Reason: In the interests of Highway Safety.)

- (25) Surface water should not be disposed of via direct infiltration into the ground via a soakaway. (Reason: This is due to the proximity to a public water supply abstraction and the risk for contaminants to remobilise and cause groundwater pollution.)
- (26) The development hereby permitted shall not begin until a scheme to deal with contamination of land/ground gas/controlled waters has been submitted to and approved in writing by the local planning authority. The scheme shall include all of the following measures, unless the local planning authority dispenses with any such requirement specifically in writing:
1. A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS10175: 2011 Investigation of Potentially Contaminated Sites – Code of Practice
 2. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The report shall include a detailed quantitative human health and environmental risk assessment.
 3. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined.
 4. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the local planning authority.
 5. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted prior to [first occupation of the development. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

(Reason: To minimise and prevent pollution of the land and the water environment and in accordance with national planning policy guidance set out in section 11 of the National Planning Policy Framework, and in order to protect human health and the environment.)

- (27) The refuse bins shall be stored at all times in the designated refuse storage area as shown on the approved plans. (Reason: To enhance the appearance of the development and safeguard the character and appearance of the area.)
- (28) No works above ground floor level shall take place until all the existing buildings on the site have been demolished in accordance with the demolition method

statement approved under Condition 8 of this permission. (Reason: In the interests of visual amenity and to prevent overdevelopment of the site)

(ii) That delegated authority be granted to the Head of Development Management to make minor alterations to the conditions including adding or deleting following any Committee resolution to grant permission (should any be required); and to specifically add conditions relating to refuse bins, demolition of existing buildings and hedge retention.

(iii) That following any grant of permission that delegated authority be granted to the Head of Development Management to determine any subsequent planning applications related to this development seeking minor material amendments (Section 73 applications)

(iv) That following any grant of permission that delegated authority is granted to the Head of Development Management to make minor amendments to the agreed s106 Agreement through a Deed of Variation application.

57. LAND AT FREEMAN'S GREEN, SHERD CLOSE, LUTON (REF: 9)

The Development Management Officer reported on Application No. 19/01646/FUL submitted by LBC Housing Strategy & Development, for planning permission in relation to the erection of 15 dwelling houses (nine four-bedroom and six five-bedroom) with associated car parking and external works at land at Freeman's Green, Sherd Close, Luton.

He further reported that 31 properties had been notified of the application, a site notice and a press notice had also been issued. Nine letters of representation of objection to the proposal had been received.

In relation to right to speak (RTS), the applicant and thirteen objectors had provided written statements circulated in advance of the meeting and these were read out during the meeting.

Resolved: That Application No. 19/01646/FUL be deferred to the next meeting at the request of Councillor Donelon to allow the Committee to visit the site of the application.

58. 4 GEORGE STREET WEST, LUTON (REF: 10)

The Development Management Officer reported on Application No. 20/00203/FUL submitted by Mr M. Nasar, AMA Investments Ltd, for planning permission in relation to the conversion of existing premises to provide 10 flats (7 two beds and 3 one beds), erection of single storey rear extension and external alterations at No. 4 George Street West Street, Luton.

She further reported that 13 adjoining occupiers had been notified of the application, a site notice and a press notice had also been issued. No representation to the proposal had been received.

An update to the report was circulated to Members in advance of the meeting.

Resolved: (i) That Application No. 20/00203/FUL be granted, subject to the conditions and their reasons set out below and reasons for approval as set out in the report, and subject to the satisfactory completion of a s106 Agreement to provide for viability review mechanism with any surplus going to Education.

- (01) The development hereby permitted shall be begun not later than the expiration of 3 years beginning with the date of this permission. (Reason: To limit the duration of the permission in accordance with the provisions of Sections 91 - 96 of the Town and Country Planning Act, 1990.)
- (02) The development hereby permitted shall not be carried out other in complete accordance with the approved plans and specifications as set out on plan no's A101-Existing Floor Plans, A101 – REV A Existing & Proposed Elevations, A102 –REV C- Proposed Floor Plans & Site Location Plan, Proposed Elevations, DC01 – REV A Planning Design & Access Statement/Heritage Statement and DC02 – Supplementary Planning Statement. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area and adjoining occupiers.)
- (03) Prior to first occupation of the development a management plan, including management responsibilities and maintenance schedules, for all external and internal shared/common areas of the development shall be submitted to in writing to the Local Planning Authority for approval. Those approved details shall be implemented prior to first occupation of the development and retained thereafter. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.)
- (04) Prior to the first occupation of the development hereby permitted full details of the external lighting shall be submitted in writing to the Local Planning Authority for approval. Those approved details shall be implemented prior to the first occupation of the development and retained thereafter. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.)
- (05) The external materials used in the construction of the rear extension hereby permitted shall be the same colour, texture and design as the external materials used on the original building. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.)
- (06) Prior to the first occupation of the development hereby permitted full details of the proposed door including materials and the arrangement of steps to access it and glazing in the arched opening above shall be submitted in writing to the Local Planning Authority for approval. Those approved details shall implemented prior to the first occupation of the development and retained thereafter. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.)
- (07) Prior to the commencement of the development hereby permitted, full details

of the design and glazing, means of closure and materials of the new rear window of the single storey rear extension to the original building to be submitted in writing to the Local Planning Authority for approval. Those approved details shall implemented prior to the completion of development and retained thereafter. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.)

- (08) The car parking area for the development, as identified on the approved plan no. A102 –REV C Proposed Floor Plans and Site Location Plan shall be ready for use prior to the occupation of the development hereby permitted. (Reason: To protect the environment, the highway and the amenities of the adjoining occupiers and surrounding uses.)
- (09) Notwithstanding the submitted details prior to the first occupation full details of the proposed cycle and refuse stores and means of receiving postal shall be submitted in writing to the Local Planning Authority. Those approved details shall be implemented prior to first occupation of the development and retained thereafter. (Reason: To ensures a satisfactory standard of development and to safeguard the amenities of the surrounding area.)
- (10) Prior to the first occupation a secure entry system shall be provided to all entrances in accordance with a scheme submitted in writing to the Local Planning Authority for approval. Those approved details shall be installed and fully operational prior to the first occupation of the development and retained thereafter. (Reason: To ensure a satisfactory standard of development and in the interest of security and prevention of crime.)
- (11) Prior to the commencement of the above ground development a scheme shall be submitted for the protection of dwellings from noise arising from transport noise sources, for approval in writing by the Local Planning Authority. No dwellings shall be occupied until the scheme providing protection for those dwellings has been implemented in accordance with the approved details and has been demonstrated to achieve the required noise levels to the satisfaction of the Local Planning Authority. The approved scheme shall be retained in accordance with the approved details thereafter. (Reason: To protect the amenities of future occupiers of the residential accommodation hereby approved.)
- (12) Notwithstanding the provisions of the Town & Country Planning General Permitted Development) Order 2015 (as amended) (or any Order revoking and re –enacting that Order with or without modification no alterations to the external appearance of the building, other than any alterations approved under this permission, shall be carried out without the prior written approval of the Local Planning Authority. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.)
- (13) Notwithstanding the submitted details, prior to the occupation of the building hereby permitted, an Electric Charging Point Strategy (ECPS) for the car park shall be submitted in writing to the Local Planning Authority for approval. The development shall only be completed and operated in accordance with that

approved scheme. The ECPS shall include details of how many charging points will be provided, where they will be located and how they will be managed and maintained. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.)

- (14) No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. The development shall then proceed in strict accordance with the approved drainage strategy. (Reason: To prevent the increased risk of flooding and to prevent pollution of the water environment.)
- (15) In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. A written report of the findings shall be forwarded for approval to the Local planning Authority. Following completion of remedial measures a verification report shall be prepared to demonstrate the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing. (Reason: To prevent pollution to ground water and protect health of future occupiers.)
- (16) Prior to the commencement of the development, a detailed Construction Method Plan (CMP) shall be submitted to and approved by the Local Planning Authority , and the plan shall include the following:
 - a) The construction programme and phasing
 - b) Hours of operation, delivery and storage of materials
 - c) Details of any highway works necessary to enable construction take place
 - d) Details of any highway works necessary to enable construction to take place
 - e) Details of hoarding
 - f) Management of traffic to reduce congestion
 - g) Control of dust and dirt on public highway
 - h) Details of consultation and complaint management with local businesses and neighbours
 - i) Waste management proposals
 - j) Mechanisms to deal with environmental impact such as noise and vibration, air quality and dust, light and odour
 - k) Details of any proposed piling operation including justification for the proposed piling strategy, a vibration impact assessment and proposed control mitigation measures.

All works shall be carried out in accordance with the approved CMP thereafter.
(Reason: In the interest of highway safety and control of environmental impacts.)

(17) Prior to first occupation of any part of the development, refuse and recycling management plan, including management responsibilities and maintenance schedules for all processes and relevant areas, shall be submitted in writing to the Local Planning Authority for approval. The refuse and recycling management plan shall be carried out as approved from first occupation/use and retained for the lifetime of the development. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.)

(18) The refuse bins shall be stored at all times in the designated refuse storage area as shown on the approved drawing plans. (Reason: To enhance the appearance of the development and safeguard the character and appearance of the area.)

(ii) That delegated authority be granted to the Head of Development Management to make minor alterations to the conditions and s106 heads of terms following any Committee resolution to grant permission (should any be required);

(iii) That following any grant of permission that delegated authority be granted to the Head of Development Management to determine any subsequent planning applications related to this development seeking minor material amendments (Section 73 applications)

(iv) That following any grant of permission that delegated authority is granted to the Head of Development Management to make minor amendments to the agreed S106 agreement through a Deed of Variation application.

58. NOS. 4 – 11 BURR STREET, LUTON (REF: 10)

The Development Management Officer reported on Application No. 20/00567/FUL submitted by Burr Street Ltd, for planning permission in relation to the erection of five four-to six-storey buildings to provide 169 dwellings (68 one-bedroom, 76 two-bedroom, 24 three-bedroom and one four-bedroom), together with undercroft car parking, cycle parking, refuse/recycling storage, plant and associated landscaping following demolition of existing buildings at Nos. 4-11 Burr Street, Luton.

He further reported that 99 adjoining occupiers had been notified of the application, a site notice and a press notice had also been issued. No representation to the proposal had been received.

In relation to right to speak (RTS), the applicants agent had provided a written statement circulated in advance of the meeting and was read out during the meeting.

Resolved: (i) That Application No. 20/00567/FUL be granted, subject to the conditions and their reasons set out below and reasons for approval as set out in the report, and subject to the satisfactory completion of the necessary mechanisms to: secure delivery of planning obligations in relation to financial contributions towards off-site

Affordable Housing, Education, Waste Management and Car Club, subject to an overage clause(s) with any additional contributions to be directed towards Affordable Housing (40%) and Education (60%); a mechanism to secure the delivery of local goods and labour; and a monitoring fee:

The Development

- (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 and document Nos.: A-TP(10)-001, A-TP(12)-001, A-TP(12)-002, F-TP(12)-001, FMC-TP(10)-001, M-TP(12)-001, M-TP(12)-002, XX-TP(00)-002, XX-TP(00)-003, XX-TP(00)-004, XX-TP(10)-001, XX-TP(10)-004, XX-TP(10)-007, XX-TP(10)-008, XX-TP(11)-002, XX-TP(11)-003, XX-TP(11)-101, XX-TP(11)-102, XX-TP(11)-103, XX-TP(11)-104, XX-TP(11)-105, XX-TP(11)-106, XX-TP(11)-107, XX-TP(11)-108, XX-TP(11)-110, XX-TP(12)-003, B-TP(10)-001 Rev. 4, B-TP(10)-002 Rev. 5, B-TP(10)-003 Rev. 2, B-TP(12)-001 Rev. 3, XX-TP(00)-005 Rev. 3, XX-TP(00)-006 Rev. 3, XX-TP(00)-007 Rev. 3, XX-TP(10)-002 Rev. 5, XX-TP(10)-003 Rev. 5, XX-TP(10)-005 Rev. 5, XX-TP(10)-006 Rev. 4, XX-TP(11)-109 Rev. 4, XX-TP(12)-002 Rev. 4, DC06, DC07, DC08, DC09, DC10, DC11, DC12, DC13, DC14, DC15, DC16, DC17, DC18, DC19, DC20, DC21, DC22, DC24, DC25, DC26, DC27, DC28, DC29, DC29A, DC29B and DC29C. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.)
- (03) No development, including any works of demolition, shall take place until a Construction Method Statement (CMS) has been submitted in writing to the Local Planning Authority for approval. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - (i) operating hours: No demolition, construction or contaminated land remediation activities, movement of traffic, or deliveries to and from the premises, shall occur other than within the hours agreed with the Local Planning Authority. Any proposed extension to these agreed hours, other than for emergency works, shall be agreed with the Local Planning Authority before work commences;
 - (ii) the parking of vehicles of site operatives and visitors;
 - (iii) a dilapidation survey demonstrating the condition of the highway, inclusive of crossovers, kerbs and pedestrian footways, prior to the commencement of demolition and construction to be used for comparison following the completion of works and first operation of the development;

- (iv) loading and unloading of plant and materials;
- (v) storage of plant and materials used in constructing the development;
- (vi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (vii) wheel washing facilities;
- (viii) measures to, where appropriate, manage the safe removal and disposal of asbestos material;
- (ix) measures to control the emission of dust and dirt during construction; and
- (x) a scheme for recycling/disposing of waste resulting from demolition and construction works.

The development shall then only proceed in strict accordance with those approved details. (Reason: To protect human health, the environment, the highway and the amenities of adjoining occupiers and surrounding uses.)

- (04) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no electronic communications installations/equipment shall be erected, constructed, installed or placed on or the development hereby permitted without the prior permission of the Local Planning Authority. (Reason: To prevent adverse implications upon the high quality design of the development to the detriment of the amenities of the surrounding area.)

High Quality Design

- (05) Prior to the commencement of above-ground works, full details (including samples) of the materials to be used in the construction of the external elevations of the development, including drawings showing the depth of window reveals on each of the elevations, shall be submitted in writing to the Local Planning Authority for approval. The development shall be carried out only in full accordance with those approved materials. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.)
- (06) Full details and particulars of all buildings and other works hereby permitted in respect of the landscaping (hard and soft) of the development, including full details of the management and maintenance thereof, shall be submitted in writing to the Local Planning Authority for approval before any above-ground works are commenced. The development shall then proceed in full accordance with those approved details. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.)

- (07) Prior to first occupation of the development hereby permitted, full details of the boundary treatment of the site shall be submitted in writing to the Local Planning Authority for approval. Those approved details shall be installed prior to the first occupation of the development and retained thereafter. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.)
- (08) The development hereby approved shall not be occupied until full details of the means of enclosure for the allocated parking area off Burr Street is submitted to the Local Planning Authority for approval. The means of enclosure shall be implemented in accordance with the approved details prior to first occupation of the development and thereafter be retained as approved for so long as the development remains in existence. (Reason: To ensure a satisfactory standard of development.)

Management of the Development

- (09) Prior to first occupation of the development, a management plan, including management responsibilities and maintenance schedules for all internal, external and shared/common areas of the development hereby permitted, shall be submitted in writing to the Local Planning Authority for approval. The management plan shall be carried out as approved from first occupation and retained for the lifetime of the development. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.)
- (10) Prior to the first occupation of the building, a comprehensive scheme of site security measures, to provide for matters of CCTV and secure entry systems, in addition to including details of the ongoing management and maintenance thereof, shall be submitted in writing to the Local Planning Authority for approval. The scheme thereby approved shall be installed prior to first occupation and retained thereafter for the lifetime of the development. (Reason: In the interests of crime prevention and good design.)
- (11) Prior to first occupation of any part of the development, a refuse and recycling management plan, including management responsibilities and maintenance schedules for all processes and relevant areas, shall be submitted in writing to the Local Planning Authority for approval. The refuse and recycling management plan shall be carried out as approved from first occupation and retained for the lifetime of the development. (Reason: To ensure a satisfactory standard of development.)

INFORMATIVE:

With regard to refuse/recycling storage, an acceptable submission should have regard to the comments of the Waste and Resource Officer, including (but not limited to):

- Details of lighting;
- Details of individual bin arrangement within the store;

- Corroborative information surrounding cleanliness in relation to Condition No. 8, including details of a water supply and drainage for the 'washing-down' of bins; and
 - Processes for the handling of bulky waste collection.
- (12) Prior to first occupation of the development hereby permitted, full details (including elevational) of a scheme for the storage of bicycles and postage reception shall be submitted in writing to the Local Planning Authority for approval. The scheme thereby approved shall be installed and operational prior to first occupation and retained thereafter for the lifetime of the development. (Reason: To ensure a satisfactory standard of development.)

Transportation and Sustainability

- (13) Prior to the commencement of above-ground works (not including clearance/demolition), a scheme for the production of renewable energy, the reduction of energy and water demand, conservation and best-use of generated resources, and mitigation against wastage, together with details of management, maintenance and servicing, shall be submitted in writing to the Local Planning Authority for approval. All measures thereby approved shall be installed and implemented in accordance with a timetable to be agreed in writing by the Local Planning Authority as a part of those submitted details and shall be retained thereafter for the lifetime of the development. (Reason: In the interests of sustainability and the mitigation of climate change.)
- (14) Prior to first occupation of the development hereby approved, a travel plan shall be submitted in writing to the Local Planning Authority for approval. The travel plan shall be in line with the prevailing policy and best practice and shall include as a minimum:
- A car park management strategy;
 - The identification of targets for trip reduction and modal shift;
 - The methods to be employed to meet these targets;
 - The mechanisms for monitoring and review, which should include a monitoring regime within six months of first occupation or 75% of building floorspace occupation, whichever occurs the soonest;
 - The mechanisms for reporting;
 - The penalties to be applied in the event that the targets are not met;
 - The mechanisms for mitigation;
 - Implementation of the travel plan to an agreed timetable or timetable and its operation thereafter; and
 - Mechanisms to secure variations to the travel plan following monitoring and reviews.

The travel plan shall be implemented as approved and retained for the life of the development. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.)

- (15) Notwithstanding the submitted plans, triangular pedestrian safety visibility splay(s) of 1.8 metres x 1.8 metres shall be provided on each side of the vehicle access points to the site. The splay(s) shall be positioned within the site at right angles to the highway (measured at the highway/site boundary). The visibility splay(s) so described shall be installed prior to first use of the development and be maintained free of any obstruction to visibility exceeding a height of 600mm above the existing ground level. The splays shall remain in situ for the lifetime of the development. (Reason: In the interests of highway and pedestrian safety.)
- (16) Prior to first use of the development, a car park management plan, including details of space allocation and the availability of electric vehicle charging points for the development hereby permitted, and the management and maintenance thereof, shall be submitted in writing to the Local Planning Authority for approval. The car park management plan shall be carried out as approved from first occupation and retained for the lifetime of the development. (Reason: In the interests of highway and pedestrian safety.)

Contamination and Drainage

- (17) No development approved by this permission shall take place until a Phase 2 site investigation report, as recommended by the previously submitted BRD Environmental Ltd. report dated May 2020 (Ref: BRD3174-0R1-C), has been submitted in writing to the Local Planning Authority for approval. Where found to be necessary by that submitted report, a remediation strategy to deal with the risks associated with contamination of the site shall also be submitted in writing to the Local Planning Authority for approval. The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action. The remedial works shall then be carried out in accordance with those approved details prior to the commencement of the development. (Reason: To protect the water environment and other sensitive receptors.)
- (18) Prior to first use of the development, a validation report shall be submitted in writing to the Local Planning Authority for approval to demonstrate the effectiveness of any agreed Remediation Strategy. Any such validation shall include responses to any unexpected contamination discovered during works. No part of the development shall be occupied until such a time where the validation is agreed in writing. (Reason: To protect the water environment and other sensitive receptors.)
- (19) If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted in writing a remediation strategy to the Local Planning Authority for approval. The report shall detail how this unsuspected contamination shall be dealt with and the development shall only recommence in full accordance with those approved details. (Reason: To protect the water environment and other sensitive receptors.)

- (20) No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage using sustainable urban drainage methods and foul water drainage for the development has been submitted in writing to the Local Planning Authority for approval. The approved details shall be implemented prior to occupation of the development and retained thereafter. (Reason: To prevent an increased risk of flooding and to prevent pollution of the water environment.)

INFORMATIVE:

The design should demonstrate that the risks posed by development to groundwater can be satisfactorily managed and contain the details of:

- Appropriate plans showing the detail of the proposed drainage system including levels, locations and details drawings;
 - Flow control, conveyance and attenuation features; and
 - Clear demonstration of roof, car park and road drainage with appropriate pollution control devices to manage the risks posed by development to groundwater.
- (21) Implementation of the approved drainage system required under Condition No. 18 shall be checked by a suitably qualified person and confirmation submitted in writing that the system operates as designed, together with 'as built' drawings, to the Local Planning Authority prior to occupation. The scheme shall thereafter be retained for so long as the development remains in existence. (Reason: To prevent an increased risk of flooding and to prevent pollution of the water environment.)
- (22) No properties shall be occupied until confirmation has been provided that either: (a) all sewage works upgrades required to accommodate the additional flows from the development have been completed; or, (b) a housing and infrastructure phasing plan has been submitted in writing to the Local Planning Authority for approval. Where a housing and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan, which shall prevail for the lifetime of the development. (Reason: In the interests of sewerage capacity.)
- (23) No piling, deep foundations and other intrusive groundworks (investigation boreholes, tunnel shafts, ground source heating and cooling systems etc.) using penetrative methods shall be carried out other than in accordance with a scheme to be submitted in writing to the Local Planning Authority for approval beforehand. The development shall be carried out only in full accordance with those details approved. (Reason: To protect the pollution of groundwater and other receptors.)
- (24) Prior to the commencement of works, a scheme for managing any boreholes installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted in writing to the Local Planning Authority for approval. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained post-

development for monitoring purposes will be secured, protected and inspected. The scheme shall be implemented as approved prior to first occupation of any part of the permitted development and retained thereafter. (Reason: To protect the pollution of groundwater and other receptors.)

- (25) No infiltration shall be implemented and no soakaways shall be installed in contaminated ground. (Reason: To prevent pollution of the water environment.)

Other Environmental Matters

- (26) No above-ground works shall commence until a scheme for noise insulation to protect the proposed dwellings from the noise generated from road traffic and adjoining commercial uses, following the recommendations identified in the XC02 Report (Ref: 9.189) dated 15th May 2020 and to include details of management and maintenance, has been submitted in writing to the Local Planning Authority for approval. None of the dwellings shall be occupied until such a scheme has been implemented in full accordance with those approved details, and show to be effective, and it shall be retained as approved thereafter. (Reason: To protect the amenities of future occupiers.)
- (27) Prior to occupation of any dwelling hereby permitted, a scheme to demonstrate that the rating level of sound emitted from any external fixed plant and/or machinery associated with the development does not exceed the typical background sound level at any existing or proposed sound sensitive premises on or neighbouring the approved development site shall be submitted in writing to the Local Planning Authority for approval. All measurements shall be made in accordance with BS4142:2014 (as amended), and the development shall only be occupied in full accordance with those approved details, which shall prevail for the lifetime of the development. (Reason: To protect the amenities of future occupiers.)
- (28) No external lighting shall be installed on the site, other than in accordance with a scheme to be submitted in writing to the Local Planning Authority for approval beforehand. The scheme, lighting equipment and levels of illumination shall comply with guidance issued by the Institution of Lighting Engineers in their publication "The ILE Outdoor Lighting Guide" and shall be accompanied by a statement from the developer confirming that compliance. The scheme shall be implemented prior to first occupation of development and thereafter be retained as approved for so long as the development remains in existence. (Reason: In the interests of site security and to safeguard the amenities of adjoining occupiers.)
- (29) No above ground works shall commence until the Applicant has submitted full details of all energy producing plant to be installed at the Energy Centre on the development in writing to the Local Planning Authority for approval. The details shall include predictions of the content and amount of all emissions to air likely to arise from all plant when in operation, and the measures to be instigated to adequately control such emissions, including calculations for any chimney stack heights associated with the energy producing plant. The approved

details shall be fully implemented prior to any energy producing plant coming into operation. (Reason: To prevent pollution and protect local air quality.)

(iii) That delegated authority be granted to the Head of Development Management to make minor alterations to the conditions including adding or deleting following any Committee resolution to grant permission (should any be required);

(iv) That following any grant of permission that delegated authority be granted to the Head of Development Management to determine any subsequent planning applications related to this development seeking minor material amendments (Section 73 applications) or minor variations to the accompanying legal agreement (Section 106A applications).

(Notes: (i) Councillor Campbell requested that his vote against Agenda Item: 11 Nos 4-11 Burr Street, Luton be recorded.

(ii) The meeting ended at 8.20 pm)