

DEVELOPMENT CONTROL COMMITTEE**31st March, 2004 at 6.00 p.m.**

PRESENT: Councillor Hoyle (Chair); Councillors Boyle, Dolling, Farooq, Franks, A. Hussain, Johnston, Riaz, Skepelhorn and Stewart.

IN ATTENDANCE: Councillors Magill and McKenzie.

46 NOS. 39-45 PRINCESS STREET (REF: 7.3)

The Development Control Manager reported on Application No. 03/01477/FUL submitted by G.P.S. Properties Ltd for planning permission in respect of the demolition of existing factory buildings and erection of one and three storey buildings providing 24 one bedroom flats and two one bedroom bungalows at Nos. 39-45 Princess Street.

He further reported and read to the Committee one letter of objection to the proposal.

Resolved to Recommend: That Application No. 03/01477/FUL be approved subject to compliance with the following conditions:-

- (01) The development hereby permitted shall be begun not later than the expiration of five years beginning with the date of this permission. (Reason: To limit the duration of the permission in accordance with the provisions of Sections 91-96 of the Town and Country Planning Act, 1990.)
- (02) The scheme shall make provision for dustbin/enclosed refuse collection area(s) to be sited at a distance of not more than 25 metre(s) from an adopted highway, which shall be installed prior to the occupation of any building on 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) H2 and E1 of the Borough of Luton Local Plan.)
- (03) Before the development hereby permitted is commenced, a detailed site investigation shall be carried out to establish whether the site is contaminated, to assess the degree and nature of any contamination present, and to determine its potential for the pollution of the water environment and risk to other receptors. The method and extent of the investigation shall be agreed with the Local Planning Authority in consultation with the Environment

Agency prior to the commencement of work. A method statement setting out the proposed means of dealing with any contamination present on the site, including provisions for monitoring, shall then be submitted to and approved by the Local Planning Authority in consultation with the Environment Agency before the development commences. The development shall then proceed in strict accordance with the measures approved. (Reason: To prevent pollution of the water environment. To accord with the objectives of Policy E10 of the Borough of 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 enhance the appearance of the proposed development. To accord with the objectives of Policies H2, E1 and E8 of the Borough of Luton Local Plan.)
- (05) A Management plan, including management responsibilities and maintenance schedules, for all external areas of the development shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development for its permitted use. The management plan shall be carried out as approved. For the avoidance of doubt, this shall include management and maintenance of the vehicle turntable. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policies H2, E1 and E8 of the Borough of Luton Local Plan.)
- (06) Full details of the proposed boundary treatment to the site and around the areas of amenity spaces shall be submitted to and approved by the Local Planning Authority before the development is commenced. For the avoidance of doubt this shall incorporate lockable pedestrian gates at the Wellington Street entrance to the site. (Reason: To ensure a satisfactory standard of development

and to safeguard the amenities of the surrounding area, and the amenities and security of the future residents of the development. To accord with the objectives of Policies H2, E1 and E8 of the Borough of Luton Local Plan.)

- (07) Full details of the materials to be used in the construction of the walls, roof and fenestration of the building(s) shall be submitted to and approved by the Local Planning Authority before the development is commenced. (Reason: To enhance the appearance of the proposed development. To accord with the objectives of Policies H2, E1 and E8 of the Borough of Luton Local Plan.)
- (08) External lighting shall be provided to the perimeter of the buildings in accordance with a scheme to be submitted to and approved by the Local Planning Authority before the development hereby permitted is commenced, and the approved lighting shall be installed and fully operational prior to the occupation of the buildings. (Reason: To ensure a satisfactory standard of development and in the interests of security and the prevention of crime. To accord with the objectives of Policies H2, E1 and E8 of the Borough of Luton Local Plan.)

47 CAR PARK, BRUNSWICK STREET (REF: 7.9)

The Development Control Manager reported on Application No. 04/00005/OUT submitted by NOAH Enterprises in respect of planning permission for the development of land for mixed use purposes comprising community, social, employment and residential uses on the car park, Brunswick Street.

He reported that the site, the subject of the application fell within an employment area identified on the Borough of Luton Local Plan and therefore the application had been advertised in accordance with the requirements of the Town and Country Planning (Development Plans and Consultations) Direction 1999.

He further reported on the receipt of two petitions and 55 letters, one being from Margaret Moran MP and an e-mail from Councillor Singh (Ward Councillor) all objecting to the proposal and 3 letters in support of the proposal which had been received.

In accordance with the Council's Right to Speak Policy 9 objectors and Councillor Magill as a local Ward Councillor spoke against the proposal and the Divisional Police Commander for Luton, Councillor McKenzie and the applicant spoke in favour of the proposal.

Members of the Committee had earlier visited the site.

Resolved to recommend: That Application No. 04/00005/OUT be referred to the Secretary of State and that the Secretary of State be recommended to grant consent subject to the following conditions:-

- (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 three 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 five years from the date of this permission
 - (b) The expiration of two years 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) Notwithstanding the submitted plans and drawings, full details and particulars of all buildings and other works hereby permitted in respect of the siting, design, external appearance, means of access and the landscaping of the site/development, shall be submitted to and approved by the Local Planning Authority before any development is commenced. (Reason: To enable the Local Planning Authority to exercise proper control over the details of development in the case of an outline planning permission granted under Article 3 (1) of the Town and Country Planning (General Development Procedure) Order, 1995.)
- (03) All planting included in the scheme submitted in compliance with Condition No. 02 of this permission and approved by the Local Planning Authority shall be carried out by a date not later than the end of the full planting season immediately following the completion of that development. If within a period of five years from the initial date of planting of any tree or shrub, any such plant is removed, uprooted or destroyed or dies, or becomes in the opinion of the Local Planning Authority, seriously damaged, diseased or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation. (Reason: To enhance the appearance of the proposed development. To accord with the objectives of Policy(ies) E1 of the Borough of Luton Local Plan.)

- (04) Car parking shall be provided to the Local Planning Authority's approved standard. (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) T7 of the Borough of Luton Local Plan.)
- (05) The area to be used for car parking in a connection with development hereby permitted shall not be used for any purpose other than for the parking of staff and visitors' and the standing of vehicles while servicing the premises and shall be ready for use prior to the occupation of the building(s) comprised in the development hereby permitted. (Reason: To ensure that adequate provision is made for vehicles to park clear of the highway in the interest of road safety. To accord with the objectives of Policy(ies) T7 of the Borough of 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) E1 of the Borough of Luton Local Plan.)
- (07) No goods, waste or other materials shall be stored outside the building (s) in the open except in such locations and containers (including skips) as may be approved beforehand by 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) E1 of the Borough of Luton Local Plan.)
- (08) Before the development hereby permitted is commenced, a detailed site investigation shall be carried out to establish whether the site is contaminated, to assess the degree and nature of any contamination present, and to determine its potential for the pollution of the water environment and risk to other receptors. The method and extent of the investigation shall be agreed with the Local Planning Authority in consultation with the Environment Agency prior to the commencement of work. A method statement setting out the proposed means of dealing with any contamination present on the site, including measures to prevent pollution of groundwater and surface water, shall then be submitted to and approved by the Local Planning Authority in consultation with the Environment Agency before the development commences. The development shall then proceed in strict accordance with the

measures approved. (Reason: To prevent pollution of groundwater. To accord with the objectives of Policy(ies) E10 of the Borough of Luton Local Plan.)

- (09) The construction of the surface and foul water drainage system shall be carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency and Thames Water Utilities before the development is commenced. (Reason: To prevent pollution of the water environment. To accord with the objectives of Policy(ies) E10 of the Borough of Luton Local Plan.)
- (10) Prior to the commencement of any work on site an accurate survey plan to a scale of not less than 1:200 shall be submitted to and approved by the Local Planning Authority, showing:-
- (a) The position, height, species, branch spread and condition of all existing trees, shrubs and hedges both within and immediately adjoining the development site;
 - (b) A clear indication of trees, shrubs and hedges to be retained and/or removed;
 - (c) Existing and finished site levels; and
 - (d) The routes of any existing or proposed underground works and overhead lines, including their manner of construction.
- (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policy(ies) E1 and E8 of the Borough of Luton Local Plan.)
- (11) All pedestrian access to and egress from the site shall be from Brunswick Street only. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policy(ies) BP1 and E1 of the Borough of Luton Local Plan.)
- (12) The construction of the site foundations shall be carried out in accordance with details submitted to and approved by the Local Planning Authority before the development commences. (Reason: To prevent pollution of groundwater)
- (13) No development approved by this permission shall be commenced until the Local Planning Authority is satisfied that adequate sewerage infrastructure will be in place to receive foul water discharges from the site. No buildings (or uses) hereby permitted shall be occupied (or commenced) until such infrastructure is in place. (Reason: To prevent pollution of the water environment.)

