

COMMITTEE: DEVELOPMENT CONTROL

DATE: 23<sup>RD</sup> APRIL 2003

SUBJECT: 23 - 37 JOHN STREET [INCLUDING LAND AT REAR].  
CONVERSION AND CHANGE OF USE OF AUCTION  
ROOMS AND ERECTION OF DETACHED BUILDINGS TO  
PROVIDE 6 OFFICES, 25 STUDIO FLATS, 2 ONE BED  
AND 8 TWO BED FLATS AND 5 TWO BED  
MAISONETTES. (APPLICANT: CONNACK HOMES LTD)  
(APPLICATION NO. 02/01611/FUL).

REPORT BY: DEVELOPMENT CONTROL MANAGER

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**IMPLICATIONS:**

LEGAL ☐

COMMUNITY SAFETY ☐

EQUALITIES ☐

ENVIRONMENT ☐

FINANCIAL ☐

CONSULTATIONS ☐

STAFFING ☐

SERVICE ☒

WARDS AFFECTED: SOUTH

**PURPOSE**

1. To advise Members of the development proposed and to seek their decision in respect of the application submitted.

**RECOMMENDATION(S)**

2. That planning permission be granted subject to the following conditions:-

- (01) The development hereby permitted shall be begun not later than the expiration of five years beginning with the date of this permission.

*Reason: To limit the duration of the permission in accordance with the provisions of Sections 91-96 of the Town and Country Planning Act, 1990.*

- (02) No works or development shall take place until full details of a landscaping scheme to include all hard surfaces, grassed areas, tree and shrub plantings and the proposed times of planting, has been approved in writing by the Local Planning Authority, and all grassed areas shall be laid out and all tree and shrub planting shall be carried out in accordance with those details and at those times. 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.*

- (03) 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 standing of residents and visitors cars while loading or unloading and the standing of vehicles while servicing the premises and shall be ready for use prior to the occupation of the buildings 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.*

- (04) Details of the surfacing and drainage of any car parking area(s) provided in accordance with the requirements of this permission shall be submitted to and approved by the Local Planning Authority before the development hereby permitted is commenced.

*Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.*

- (05) Full details of the proposed boundary treatment of the site shall be submitted to and approved by the Local Planning Authority before the development is commenced and the approved treatment shall be installed before the buildings hereby permitted are occupied.

*Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.*

- (06) Samples of the materials to be used in the construction of the external walls, roofs, windows, doors and shop fronts of the buildings shall be submitted to and approved by the Local Planning Authority before development is commenced.

*Reason: To enable the Local Planning Authority to exercise proper control over development within a designated Conservation Area.*

- (07) External lighting shall be provided to the courtyard area and 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 to safeguard the amenities of the surrounding area.*

- (08) Before the development hereby permitted is commenced a scheme indicating the provision to be made for disabled people to gain access to the buildings fronting John Street shall have been submitted to and approved by the Local Planning Authority.

*Reason: To ensure that access to the development accords with the requirements of the Disabled Persons Act 1981 and the Chronically Sick and Disabled Persons Act 1970 to 1976.*

- (09) No goods, waste or other materials shall be stored outside the buildings 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.*

- (10) No loading or unloading of vehicles shall take place on the site on Sundays and Bank Holidays nor between the hours of 2000hrs and 0730 hours on Mondays to Saturdays.

*Reason: To protect the amenities of neighbouring properties.*

- (11) 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 ensure adequate safeguards are taken during construction of the development, having regard to existing ground*

***conditions, and to prevent pollution of the water environment and risk to other receptors.***

- (12) 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.***

- (13) The site layout, internal design and building specifications of the proposed development shall be such that the internal noise level within any residential unit with windows closed shall not exceed 35dB LAeq 2300hrs to 0700hrs and details of noise insulation measures shall be submitted to and approved by the Local Planning Authority before any work is commenced. The approved insulation scheme shall be completed prior to the occupation of the development.

***Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.***

- (14) The residential building approved, to the rear of Nos. 23 to 37 John Street, shall not be occupied before work on the buildings fronting John Street has been substantially completed in accordance with the details and specifications of this permission.

***Reason: To enable the Local Planning Authority to exercise proper control over development within a Designated Conservation Area.***

- (15) Full details of a scheme for the secure parking of bicycles on the site shall be submitted to and approved by the Local Planning Authority before any development is commenced, and the scheme thereby approved shall be fully implemented before use of the development commences.

***Reason: To ensure adequate provision is made for the accommodation of bicycles on the site, and in the interests of the Local Planning Authority's policies for promoting sustainable development.***

- (16) Notwithstanding the submitted plans, full details of the proposed bin store facilities, including access arrangements from the upper floors of the building, shall be submitted to and approved by the Local Planning Authority before any development is commenced. The facilities so approved shall be available for use prior to the occupation of the development hereby permitted and maintained thereafter.

***Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.***

- (17) Notwithstanding the submitted plans, full details of a scheme for treatment and hard and/or soft landscaping of that part of the site that lies within 5 metres of the current parapet wall of the River Lea shall be submitted to and approved by the Local Planning Authority in consultation with the Environment Agency before the development is hereby commenced. The scheme thereby approved shall be installed in accordance with the approved details prior to the first occupation of any part of the development.

***Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.***

## **BACKGROUND**

3. This application relates to a site within the Plaiters Lea Conservation Area which has had two similar schemes approved in May 2000 and December 2002. The John Street frontage of the site was part of a terrace of properties on the northern side of the street which has been altered recently by the demolition of Nos. 29 to 33. John Street is a narrow street with multi-storey properties facing each other across a 10 metre gap, reflecting the densely developed central area. The buildings to the west of the John Street frontage contain a mixture of restaurants, shops and hot food take away uses; to the east is a mixture of commercial and residential uses.

4. The area is best categorised as comprising a mixture of land uses - many of the buildings in the vicinity had associations with the hat industry. To the north of the application site is the River Lea which is in a culvert at this point. Open land associated with buildings in Guildford Street and Cheapside is on the northern side of the river. The upper floors of properties in Cheapside (Nos. 48 to 52) and Guildford Street (Nos. 37 to 43) are in residential use with windows facing towards the application site.

## **REPORT**

### **The Proposal**

5. The application proposes a three-phase, high density, redevelopment of the site, with a mixture of flats and office units. The previous proposal had included shop uses in all six units to the front of the development, with 42 residential units. This application proposes B1 office use on the ground floor and basement at the front of the old auction rooms and in the four shop units at 23 and 27-33 John Street, with 25 studio flats, 2 one bed and 8 two bed flats and 5 two bed maisonettes above. The proposal seeks to refurbish the glazed front elevation of Nos. 35 to 37 (Phase 1), while maintaining the original design. This involves the re-glazing of the majority of the front and rear elevations in materials to be agreed with the Local Planning Authority.

6. To the rear of Nos. 21 to 33, a five-storey block of 20 flats is proposed as Phase 2 of the development (the previously approved scheme included a four storey block of 24 flats). The majority of the building is set back a minimum of 5 metres from the edge of the river, as required by the Environment Agency, although a small element of the building encroaches on this 5 metre zone (this occurs where the side of the channel steps back from the main course of the river). The proposed building has been designed to give some visual interest, with a stepped facade revealing balconies on six of the upper floor flats facing, and the top floor with a series of gabled, dormer windows.

7. Phase 3 of the development involves works to the important John Street frontage, which will be much improved by the proposed re-instatement of the demolished part of the terrace (Nos. 29 - 33), creating an elevation which should have visual interest - taking cues from other buildings in the street. The elevation to John Street is similar to the previously approved application, although fenestration and parapet details have been changed slightly to give more design interest. As with the application approved in December 2002, an additional (3rd) floor is proposed above Nos. 25 - 33, which would form the upper floor of the five maisonettes in the development.

8. As with the previous application, the existing vehicular access through No. 25 is to be maintained, and would lead to a small internal courtyard/service area, surrounded by the whole development. Access to each of the 'phases' is gained through a separate stairwell, with additional lift access to the five storey Phase 2 block to the rear.

9. A small landscaped area is proposed adjoining the River Lea, the details of which are to be the subject of separate approval in consultation with the Environment Agency.

#### Planning Policy

10. The site falls within the Bute Street/Guildford Street Area of the Borough Plan and within the Plaiters Lea Conservation Area. Policies H2, E6, E7, E8, E10, T7, T8, TC4 and TC8 are relevant, and their implications are assessed under the 'Main Considerations' below.

#### Relevant Planning History

11. Like many of the properties in this area the site has a mixed history of land uses including retail, offices, hat factory, auction rooms and vehicle repair businesses.

12. In 1992 outline consent was granted for the demolition of Nos. 15 to 37 John Street and the redevelopment of the site with four-storey buildings in a mixture of light industrial, office and residential uses. The permission was renewed in 1995, but not implemented, and has expired.

13. The demolition of Nos. 29 to 33 John Street was approved by Committee in October 1999 (99/00568/CON).

14. In May 2000 permission was granted for development of the site with a new four-storey block of flats, at the rear, four shop units with flats above and change of use to provide a two-storey restaurant with staff living accommodation above (99/01107/COU). This permission remains unimplemented.

15. In December 2002, a revised permission was granted for the erection of a four storey block of flats together with refurbishment and redevelopment of existing buildings to provide 6 shop units, 46 studio, one bedroom and two bedroom flats (including 5 two bedroom maisonettes) (01/00173/FUL). This permission also remains unimplemented.

#### Consultations and Statutory Publicity

16. The following technical responses were received:-

*Environment and Heritage Team* – The redevelopment of the gap site at 29-33 John Street, along with the refurbishment of the old auction house and development of new flats to the rear of the site will all make a positive contribution to the Conservation Area.

*Strategic Planning Local Plans Team* – Awaiting comments.

*Environmental and Consumer Services* – No comments to make.

*Engineering and Transport Services* – No objections.

*Bedfordshire Police Architectural Liaison Officer* – No objections.

*Bedfordshire and Luton Fire Rescue Service* - It would not be possible to get an aerial rescue appliance close enough to the proposed building at the rear to be effective. The applicants have agreed to provide a dry riser for fire fighting purposes, which addresses the Fire Officer's concerns. It is understood that the proposal could conform with Part B5 of the Building Regulations (access for Fire Service).

*Town Centre Manager* - No objections to the residential use of the site, but feel that the ground floor would be better used for retail than as office accommodation. The principle of conversion and restoration of the attractive buildings on the John Street frontage is a good one and has no objection to the new build proposed to the rear.

*Environment Agency* - Raise strong objection to the proposal because it includes development in close proximity to the River Lea, which they say would restrict access to the watercourse for maintenance, cause over-shadowing and adversely affect aquatic flora and fauna. This objection might be withdrawn if an 8m wide buffer strip between the development and the bank of the river were to be provided. This could allow for access along the banks for maintenance, allow for improvement/soft landscaping and provide a 'wildlife corridor'. They draw attention to the requirements of Policy E10 of the Borough Plan, in support of these objections.

*Thames Water Utilities* - No objection to the planning application.

*Vivendi Water* – Site is located within groundwater protection zone of Crescent Road Pumping Station. If any pollution is found on the site, appropriate monitoring and remediation methods will need to be undertaken.

17. Statutory Publicity:- A Conservation Area Notice has been published and adjoining occupiers notified by letter. No representations have been received, as a result.

#### Main Considerations

18. *Policy H2: Additional Housing*, states that all new housing development is expected to meet residential standards and guidance, in the interests of residential amenity and the environment. Although no spaces are proposed, this is considered acceptable, given current emphasis on lower levels of parking provision set out in PPG3, the town centre location and the previous permission for this site providing, similarly, no car parking spaces. The scheme provides approximately 180 sq m of amenity space, although it is possible that the majority of this will form the landscaping scheme to be developed in conjunction with the Environment Agency. If the amenity space is dramatically reduced, an exception to Local Plan standards could be made, given the town centre location, combined with the small size of the flats which would be unlikely to make them attractive to families. Compliance with internal noise insulation requirements, would be ensured by an appropriate condition.

19. *Policy TC8: Bute Street/Guildford Street Area*. The design of the John Street frontage of the revised proposal, is considered to be in keeping with the aims of the environmental policies of the Borough of Luton Local Plan and Policy TC8 which is aimed at improving the Plaiters Lea area of central Luton. The restoration of Nos. 35 to 37 will enhance the character and appearance of the Conservation Area. The materials used in the development will be critical in translating the design concepts into reality and, in the event that permission is granted, a condition should be imposed to this end. The addition of shop fronts on the ground floor of Nos. 29, 31 and 33 John Street is in keeping with the aims of Policy TC8.

20. *Policies E7 and E8: 'Environmental Improvements' and 'Design'*. The proposed development involves the development of the vacant site, formerly occupied by 29-31 John Street which was demolished as part of application 99/00568/CON in October 1999. The proposed new build on this plot has been developed through the previous and current applications, and a good design that is in keeping with the surrounding buildings has been achieved. This satisfies subsections (a) and (e) of the Policy E7 and subsection (a) of Policy E8. The proposals are also inline with subsections (b) - (f) of Policy E8, with hard and soft landscaping forming an integral part of the development, particularly adjacent to the River Lea; a comprehensive refurbishment of the old auction rooms; alterations to the existing terrace at 23-27 John Street that are in keeping with the architecture and scale of adjoining buildings; separate access to each of the residential blocks and secure courtyard access to ensure a secure development; and the inclusion of lift access to the residential block to the rear of the development in order to optimise the accessibility of the development for people with disabilities.

21. *Policy TC4: Residential Accommodation*, seeks to prevent the loss of existing residential accommodation within the town centre, and promotes the provision of residential accommodation on upper floors, in both conversions and new developments. The current proposal is very much in line with this policy requirement.



22. *Policy T7: Car Parking*, sets minimum parking standards for new development but the town centre location of the application site means that car parking need not be required in this instance.

23. *Policy E10: The Water Environment*, requires development proposals to make provision for the improvement of the River Lea, including, where possible, the opening up of culverts and removal of concrete channels. The objections to this proposal (and to other development proposals adjoining the river, in this part of the town) by the Environment Agency, are set out in Para. 15, above. In negotiation, the Environment Agency have said that there may be scope for some modification of their views, and the applicants have stated that they are fully prepared to work with the Council and Environment Agency, in achieving an acceptable and practical solution. More discussions with the Environment Agency are scheduled to take place, which will include an on-site inspection of the watercourse. These discussions will constitute a major element of the discharge of the recommended conditions relating to the boundary treatment of the site and the approach to the protected area adjacent to the watercourse.

### Conclusions

24. The application represents a high density scheme that is seeking to utilise a 'brown field' site. The proposal accords with current policy guidance in seeking to provide a mainly residential redevelopment of such sites.

25. The level of parking proposed is effectively nil, but as the site is within the controlled inner parking zone and close to all forms of public transport, this should prove acceptable in this case.

26. The proposal does provide some outside amenity space in the form of the landscaped area adjoining the River Lea, which would be shared by all residents.

27. The scheme provides an opportunity to enhance the townscape of the Plaiters Lea Conservation Area, particularly through the design of the elevations fronting John Street.

28. Having regard to the material considerations, Members are recommended to approve the application.

### **LIST OF BACKGROUND PAPERS**

#### **LOCAL GOVERNMENT ACT 1972, SECTION 100D**

29. Application File No. 99/01107/FUL.

30. Application File No. 01/00173/FUL.

31. Borough of Luton Local Plan.

32. Planning Policy Guidance Note 3: Housing (March 2000).