

Committee:	Development Control			
Date of Meeting:	21 April 2021			
Subject:	21/00006/FULHH – Erection of two storey side and rear extensions, front parking area and construction of vehicular crossover – Resubmission. APPLICANT: Building Technical Services (BTS) Address: 2 Wodecroft Road, Luton			
Report Author:	Jonathan Hill			
Contact Officer:	Jonathon Hill			
Implications:	Legal	<input checked="" type="checkbox"/>	Community Safety	<input checked="" type="checkbox"/>
	Equalities	<input checked="" type="checkbox"/>	Environment	<input checked="" type="checkbox"/>
	Financial	<input type="checkbox"/>	Consultations	<input checked="" type="checkbox"/>
	Staffing	<input type="checkbox"/>	Other	<input checked="" type="checkbox"/>
Wards Affected:	Icknield			

Purpose

1. To advise Members of the updated position in respect of the parking arrangements following the deferral of the application at the 24th February Development Control Committee and to seek their decision.

Recommendations

2. It is recommended to the Committee:
 - (i) That the reasons for approval set out in this report are agreed;
 - (ii) That planning permission is granted, subject to the conditions set out below ('Appendix 1');
 - (iii) That delegated authority is granted to the Head of Development Management to make minor alterations to the conditions following any Committee resolution to grant permission (should any be required);
 - (iv) That following any grant of permission that delegated authority is granted to the Head of Development Management to determine any subsequent planning applications related to this development seeking either minor material amendments (Section 73 applications):

Conditions ('Appendix 1')

- (01) *Period of Consent;*
- (02) *Approved Plans and Documents;*
- (03) *External Material;*
- (04) *No Windows in Flank Elevations; and*
- (05) *Single Family Dwellinghouse.*

Background

The Site

3. Members will recall that the application site, No. 2 Wodecroft is a Luton Borough Council owned site. Luton Borough Council seek to improve and adapt the site for the future occupiers whom have specific space and accessibility needs.
4. The application site comprises an end-of-terrace dwellinghouse located on a corner plot to the north of the junction between Wodecroft Road and East Hill. The property benefits from a large front and side garden, as well as a rear garden that is larger than most within area. The property currently benefits from an existing area of off-road parking to the side, accessed from Wodecroft Road.
5. No. 2 Wodecroft Road is a unique site, which, appears to front East Hill as part of the terrace block of Nos. 11 & 13 East Hill, however, the dwellinghouse takes its address and is principally accessed from Wodecroft Road.
6. For the purposes of this application, the view is taken that the southern 'principle elevation' should be considered as a 'side elevation' given its strong relationship with the attached dwellinghouses within the terrace block, which, give the appearance in design and character as a dwellinghouse located on East Hill.

Site History

7. Members may recall that this application was originally presented at the meeting of Development Control Committee (DCC) on 24th February 2020, where Members resolved to defer the item so that clarification over concerns related to the parking provision could be submitted.
8. The previous committee report can be found at Appendix 3 of this report.

Policy Implications

National Planning Policy Framework (NPPF, or the Framework)

9. The revised National Planning Policy Framework (NPPF, or the Framework) was published in June 2019 and replaces the previous NPPF (2012). It provides guidance as to how the government's planning policies are expected to be applied. The core principle of the revised Framework is a "presumption in favour of sustainable development". However, this does not change the statutory status of the development plan as the starting point for decision making. Planning law requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions.
10. Paragraph 38 of the Framework advises that local planning authorities should approach decision making in a positive and creative way and should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible. Discussions have taken place with the applicant following the requirement for the application to be determined by the Development Management Committee.

Planning Policy Guidance (PPG)

11. The guidance was published in March 2014 and has been maintained in support of NPPF policy.

- 12.** The application site does not benefit from any specific allocation within the Luton Local Plan 2011-2031, however, constitutes an 'unidentified employment site'. Relevant policies are, therefore, as follows:
- *Policy LLP1 (Presumption in Favour of Sustainable Development)*: sets out a sustainable development strategy for the Borough;
 - *Policy LLP19 (Extensions to Dwellings and Annexes)*: expects extensions to dwellings to be in keeping with the scale and design of the original and neighbouring properties and to ensure that they do not significantly reduce the amenity of the nearby occupiers, in respect of visual intrusion, loss of light, loss of privacy and/or overlooking.
 - *Policy LLP25 (High Quality Design)*: seeks to have development enhance the character of an area, respond positively to the local context, minimise adverse amenity implications, optimise a site, achieve adopted standards and create attractive and safe spaces;
 - *Policy LLP31 (Sustainable Transport Strategy)*: sets out the sustainable transport strategy and stipulates that development will be permitted where it minimises the need to travel, reduces congestion and provides sustainable transport choices;
 - *Policy LLP32 (Parking)*: considers the parking requirements of development, stipulating expected provisions and highlighting the sustainability of Town Centre-proximate locations;

Consultation Responses

Technical Consultation

- 13.** Although not formally consulted on the original application, due to the concerns raised by Members, discussions have been ongoing and the Highways Development Manager is satisfied that the proposed parking layout will have no detrimental impact on the highway or any street furniture within the highway.

Statutory Public Consultation

- 14.** The application was notified to 9 properties. To date, one representation has been received. The issues raised are captured at 'Appendix 2' of this report.

Report of the Officer

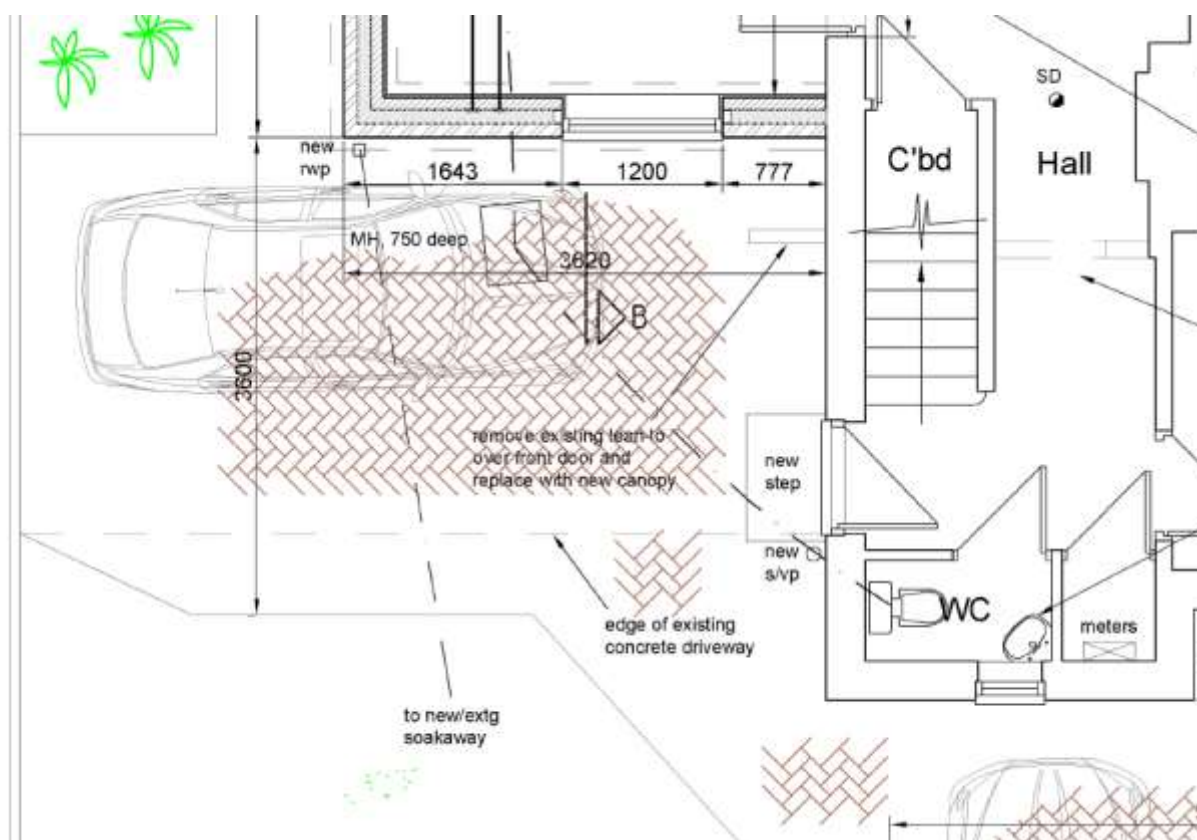
- 15.** After debate at the February meeting, Members were satisfied that the only concerns outstanding related to the parking layout, as such, this report focuses solely on this issue. However, the previous report has been attached for Members information.

Parking Layout

- 16.** The proposed parking layout remains the unchanged in principle to that submitted with the original scheme, however, an additional plan has been submitted which includes greater detail in regard to the dimensions, the access and the proposed materials for the off-road parking.

17. The single space accessed from Wodecroft Road, would use the existing vehicular crossover, this would provide a parking area which has a minimum width of 3.6 metres and a depth of over 5 metres.
18. Members were concerned about the accessibility to the front door when a vehicle is parked within this area. The location and relationship between the front door and parking space can be seen within Figure 1, whereby, the front door is off-set to the proposed parking area, and therefore, it is considered that there would be sufficient space to provide an acceptable level of accessibility to both the front door and vehicle.

Figure 1: Relationship between the front door and the parking space accessed from Wodecroft Road.



19. The parking area offering 2 additional spaces accessed from East Hill, would require the addition of a new vehicular crossover. While the addition of a vehicular crossover to a non-classified road such as East Hill is entirely within the remit of the Local Highways Authority and is not a matter for the Local Planning Authority to consider, additional details have been submitted to resolve concerns raised in this respect.
20. The main issue raised was the distance between the cable box and telephone pole located on the pathway on East Hill, opposite the principle elevation of No. 2 Wodecroft Road.
21. The gap between the cable box and telephone pole has been measured on site as 5 metres which would surpass the minimum requirement by highways of 4.8 metres for an access for a two vehicle crossover and parking area, while the depth would be a minimum of 5.2 metres, again exceeding the 4.8 metre Highways requirements for the depth of an parking space and on this basis, the Highways Development Manager has no objections.

22. The parking areas would be completed with permeable block paving with some proposed areas of planting to ensure a high quality and aesthetically pleasing finish to the front of the site.

Figure 2: Overall Parking Plan showing dimensions, materials and proposed planting.



Concluding Remarks

23. Given the additional details, it is considered that the parking scheme would be acceptable in terms of its dimensions, accessibility and overall finish.
24. The proposal as whole would result in very limited harm to the design and character of the host dwelling, amenities of the adjoining occupiers and the prevailing street scene and accords with current policy. On that basis, conditional approval of the application is recommended.

Appendix

- Appendix 1: Conditions and Reasons
- Appendix 2: Public Consultation Responses
- Appendix 3: Previous Committee Report – 24th February 2021

List of Background Papers - Local Government Act 1972, Section 100D

- 25. Luton Local Plan 2011 – 2031
- 26. National Planning Policy Framework (NPPF) (2018)
- 27. National Planning Practice Guidance (NPPG)
- 28. Planning Application Ref: 20/00848/FULHH

Determination of Planning Applications

- 29. The Council is required in all cases where the Development Plan is relevant, to determine planning applications in accordance with policies in the Development Plan, unless material considerations indicate otherwise.

Human Rights Act 1998

- 30. The determination of the application which is the subject of this report is considered to involve the following human rights:
 - 1. Article 8: Right to respect for private and family life; and
 - 2. Article 1 of the First Protocol: Protection of Property.
- 31. The report considers in detail the competing rights and interests involved in the application. Having had regard to those matters in the light of the Convention rights referred to above, it is considered that the recommendation is in accordance with the law, proportionate and balances the needs of the Applicant with the protection of the rights and freedoms of others in the public interest.

Section 17: Crime and Disorder Act 1998

- 32. In reaching the recommendations set out in this report, due regard has been given to the duty imposed upon the Council under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in its area.

Equality Act 2010

- 33. In reaching the recommendation set out in this report, proper consideration has to be given to the duty imposed on the Council under the Equality Act 2010 to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by that Act; to advance equality of opportunity and to foster good relations between persons who share relevant protected characteristics and persons who do not share it. The protected characteristics under the Act are a person's age, sex, gender assignment, sexual orientation, disability, marriage or civil partnership, pregnancy or maternity, race, religion or belief. In this case, no disproportionate effect on people with protected characteristics has been identified.

Appendix 1: Conditions and Reasons

- (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 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.

- (03) 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: **01 REV B, 03 REV C and DC01.****

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

- (04) Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 or of the Town and Country Planning (General Development) Order, 2015, (or any Order revoking and re-enacting that Order with or without modification) no window openings shall be fitted in the northern and southern first floor flank elevation of the building(s) without the prior permission of the Local Planning Authority.**

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

- (05) The building(s) and/or site shall be used as a single family dwelling house as specified within Class C3 specified in the schedule to the Town and Country Planning (Use Classes) Order, 1987, (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification and for no other purpose.**

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

Appendix 2: Public Consultation Responses

- **Issue: Size and Scale**
 - *Officer Consideration: Addressed within the body of the report.*
- **Issue: Construction started prior to permission**
 - *Officer Consideration: Not a reason for refusal.*
- **Issue: impact on openness and spaciousness of area**
 - *Officer Consideration: Addressed within the body of the report.*
- **Issue: Parking Concerns**
 - *Officer Consideration: Addressed within the body of the report.*