

**DEVELOPMENT CONTROL COMMITTEE**

**WEDNESDAY 3<sup>RD</sup> JULY 2013**

**RECOMMENDATION OF THE DEVELOPMENT CONTROL MANAGER**

**FOR APPROVAL OF PLANNING PERMISSION**

**APPLICATION NO:** 13/00332COU  
**PROPOSAL:** CHANGE OF USE OF GROUND, FIRST, SECOND AND  
THIRD FLOOR OFFICES (B1) TO HALLS OF  
RESIDENCE (C1).  
**LOCATION:** MIDLAND HOUSE, 41 KING STREET APPLICANT:  
MR D KOHLER  
**WARDS AFFECTED:** SOUTH

**RECOMMENDATION**

**APPROVE**

1. Subject to the conditions set out below:

(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 numbers 01, 02, 03 and 04.

*Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.  
Reason: To accord with the objectives of Policies LP1, ENV9 and H7 of the Luton Local Plan.*

- (03) A management plan, including how the facility will operate, management responsibilities, for all internal and external shared/common areas, and for the supervision of the students, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved. 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. To accord with the objectives of Policies LP1, H7 and T3.*

- (04) *The student accommodation shall only be occupied by persons registered as full-time students of the University of Bedfordshire during the currency of their registration.*

*Reason: to enable the Local Planning Authority to exercise control of the type of accommodation hereby approved. To accord with Policy LP1 and H2 of the Luton Local Plan.*

- (05) Prior to the first occupation of the development hereby approved, a scheme to provide site security shall be installed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented in full and retained and maintained thereafter for so long as the development remains in existence.

*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 LP1, H7 and ENV9.*

- (06) Before the *Halls of Residence* building is first occupied it shall be insulated against internally and externally generated noise in accordance with a scheme to be approved by the Local Planning Authority before any development is commenced.

*Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. Reason: To accord with the objectives of Policies LP1, ENV9, H7 of the Luton Local Plan.*

- (07) No alterations to the external appearance of the building shall be carried out without the prior permission of the Local Planning Authority.

***Reason: To enable the Local Planning Authority to exercise proper control over development within a designated Conservation Area. To accord with the objectives of Policies LP1, ENV8 and ENV9 of the Luton Local Plan.***

**(08) The student accommodation shall provide for no more than 60 students at any one time unless otherwise agreed in writing by the Local Planning Authority.**

***Reason: To enable the Local Planning Authority to exercise control over the number of residents in the interests of protecting the amenities of the surrounding area. To accord with Policies LP1, CA1 and ENV8 of the Luton Local Plan.***

## **REPORT**

### **INTRODUCTION**

2. The application site is a rectangular shaped area of land located on a rising gradient and comprises a three storey “L” shaped building in red brick. This 1960s building has its frontage in King Street, with a return frontage on Stuart Street. There is a gated entrance leading to the rear car park area which is located adjacent to the north-eastern elevation.
3. This part of the Town Centre supports a range of commercial uses and many of the buildings are only partly let.
4. Permission is sought to change the use of the office block to provide student accommodation and proposes 60 rooms which will be spread over the ground, first, second and third floors. Two options have been put forward for the layout of the proposed ground floor area. Each option provides a common room and post room. The proposed floor plan for the accommodation provides a general room layout which will be reflected on each floor.

### **LUTON LOCAL PLAN ALLOCATION**

5. Central Area and Town Centre Conservation Area

### **POLICY IMPLICATIONS**

#### **National Planning Policy Framework (NPPF)**

6. The NPPF identifies a set of core land use planning principles which should underpin both plan-making and decision making. These 12 principles include that planning should seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

#### **Luton Local Plan 2001-2011**

7. Policy LP1, ENV8, ENV9, H7, T3, CA1.

### PREVIOUS HISTORY

8. The site has received planning permission for a number of changes of use during the course of ten years. In 2004 a 73 bedroom hotel was approved, in 2005, 27 No1 bedroom flats. In 2010 and 2011 the ground, 2<sup>nd</sup> and 3rd floors received permission for a non-residential institution (D1) use.

### TECHNICAL CONSULTATIONS

9. Strategic Planning – Concerns regarding residential accommodation at ground floor level.
10. Highway Engineering – No objection.
11. Environmental Protection – no comments received. Any comments made will be reported at the meeting.
12. Statutory Publicity - The application has been notified to 14 adjoining occupiers with a number of site notices being displayed in the surrounding area. A press notice has also been issued. No comments have been received.

### MATERIAL PLANNING CONSIDERATIONS

13. The material planning considerations in this case relate to the impact of the change of use on the character of the area, amenity of adjoining occupiers, living environment created and parking.

### CHARACTER OF THE AREA

14. When considering proposals affecting the Central Area and Town Conservation Area, development will be required to preserve or where appropriate enhance the character and appearance of the area as well as contribute to its role as a mixed use area in which to live, work and play.
15. The building is partly let and the planning history indicates that a number of planning permissions have been approved for other uses.
16. In terms of its compliance with the Policies of the Luton Local Plan, Policy H7 supports the development of halls of residences, provided that they are within 1km of a university or college. The University of Bedfordshire has recently

consolidated all its educational facilities and campuses within the Town Centre resulting in an increase in student population. The proposal will comply with the aims and objectives of the Luton Local Plan.

17. The scheme will involve residential accommodation on part of the ground floor area. Whilst in certain instances this is not desirable, there is nothing in terms of policy to say that floorspace at ground floor level cannot be used for residential use, and this point has been supported in a recent appeal decision. With a robust security system in place and suitable noise mitigation measures, the impact on noise, general disturbance and security can be addressed.
18. No external alterations are proposed to the building.
19. The proposal will not detract from the special character of the Conservation Area and will promote its mixed use role as an area in which to live, work and play.

#### IMPACT ON ADJOINING OCCUPIERS

20. Adjoining occupiers are predominantly commercial in nature and therefore unlikely to be affected by the day-to-day operations of the student fraternity.

#### LIVING ENVIRONMENT CREATED

21. The proposal indicates that between approximately 19 – 30sqm of floorspace per unit is proposed and each unit will benefit from between 1-4 windows. Accommodation is of an acceptable size with access to sunlight and daylight penetration.
22. The accommodation will have en-suite facilities with a kitchenette and fold down table as well as a study area.
23. The site does not benefit from any external landscaped areas and therefore there will be no access to open space. However, the Town Centre has a number of public open spaces and both Wardown Park and the Manor Recreation grounds are within walking distance. Moreover, halls of residence by their very nature are not considered as the main or only residence and therefore the lack of amenity space is not considered sufficient grounds to refuse the application.

#### PARKING

24. The site benefits from some parking located to the rear of the site which will serve approximately 15 cars, two of which are allocated for disabled drivers.

Moreover, due to its sustainable location the proposal is within easy walking distance of the railway station and good bus connections.

## **CONCLUSIONS**

25. The proposal will put to good use a building that has remained largely vacant for a significant period of time with no realistic expectation of being brought into use for office accommodation within the short or medium term future.
26. No external alterations are proposed and therefore there will be no detrimental impact on the amenities of the Conservation Area. The living environment created will provide basic accommodation in a central location. The change of use will not impact on the amenities of the adjoining occupiers and no highway implications have been identified.
27. The proposal complies with both national and local policy and on this basis is recommended for approval subject to the conditions set out above.