

DEVELOPMENT CONTROL COMMITTEE

WEDNESDAY 21st JANUARY 2015

RECOMMENDATION OF THE DEVELOPMENT CONTROL MANAGER

FOR APPROVAL OF PLANNING PERMISSION

APPLICATION NO: 14/01349/FUL
PROPOSAL: ERECTION OF A THREE STOREY BUILDING TO
PROVIDE 12 ONE BEDROOM FLATS AND
ASSOCIATED OFF ROAD CAR PARKING. –
RESUBMISSION.
LOCATION: LAND ADJACENT 212 HITCHIN ROAD,
214-220 HITCHIN ROAD.
APPLICANT: MR. J. BAIG
WARDS AFFECTED: HIGH TOWN

RECOMMENDATION

APPROVE

1. Subject to the following conditions:

- (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) 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 LP1, ENV9 and ENV10 of the Luton Local Plan.

- (03) A management plan, including management responsibilities and maintenance schedules, for all internal and external and shared/common 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.

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 and ENV9 of the Luton Local Plan.

- (04) Samples of the external materials to be used in the construction of the walls and roof of the development hereby permitted shall be submitted to and approved by the Local Planning Authority before the development is commenced.

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 and ENV9 of the Luton Local Plan.

- (05) The windows in the southwest elevation of the development hereby permitted shall be of a fixed type except at top vent level and glazed with obscure glass for so long as the development hereby permitted remains in existence.

Reason: To protect the amenities of the adjoining dwelling at No. 212 Hitchin Road. To accord with the objectives of Policies LP1 of the Luton Local Plan.

- (06) Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 or of the Town and Country Planning (General Development) Order, 1995, (or any Order revoking and re-enacting that Order with or without

modification) no window openings other than those hereby permitted shall be fitted in the flank elevations of the building without the prior permission of the Local Planning Authority.

Reason: To protect the amenities of neighbouring properties. To accord with the objectives of Policies LP1 of the Luton Local Plan.

- (07) Prior to commencement of development, a Method Statement shall be submitted to and approved by the Local Planning Authority showing the means by which the existing trees on the site and adjacent to the site shall be protected from damage during the course of construction. The method statement thereby approved shall be implemented in full.

Reason: To protect existing trees in the vicinity of the works hereby approved and to accord with Policies LP1 and ENV10 of the Luton Local Plan

- (08) The internal design and building specifications of the proposed development shall be such that the daytime noise level within any residential unit with windows closed shall not exceed 40dB LAeq (0700-2300) and the night time noise level within any residential unit with windows closed shall not exceed 30dB LAeq (2300-0700). The night time L_{Amax} shall not exceed 45db. Full details of noise insulation measures, including provision for powered acoustically attenuated ventilation, 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 protect the amenities of the future residents of the accommodation hereby approved. To accord with the objectives of Policies LP1 and H2 of the Luton Local Plan.

- (09) The development hereby permitted shall not be carried out other than in complete accordance with the approved plans and specifications.

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, ENV5, ENV9, ENV10, H2, T3 and T13 of the Luton Local Plan.

REPORT

INTRODUCTION

1. The application site is an area of open land located between terrace dwellings. The site, and surrounding area, has considerable changes in land levels. The application site ascends from the highway to the rear of the site and the levels in the area generally descend from northeast to southwest. This stretch of Hitchin Road contains predominantly residential buildings but there are industrial buildings opposite the application that form Oxon Industrial Estate.
2. This application is a resubmitted scheme following a refusal in 2014 for residential development of the site on three counts; impact on the street scene, the poor living environment proposed and impact on an the adjacent dwelling. This application has sought by addressing the design and landform to overcome the previous reasons for refusal. This proposal is for a three storey building with a stepped ridge height that will provide twelve one-bedroom flats.

LUTON LOCAL PLAN ALLOCATION

3. The application site is unallocated and backs onto a site of nature conservation interest.

POLICY IMPLICATIONS

4. Local Plan Policies LP1, ENV5, ENV9, ENV10, H2, T3 and T13 and the National Planning Policy Framework.

RELEVANT SITE HISTORY

5. Erection of a 3 and 4 storey building to provide 14 one bedroom flats and associated off road car parking. Application refused 11.07.2014.
6. Prior to the submission of the current proposal pre-application advice was sought.

TECHNICAL CONSULTATIONS

7. Affinity Water – The site is located within a groundwater Source Protection Zone. This is a public water supply comprising of a number of Chalk abstraction boreholes. The construction works and site operation should be done in accordance with British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. The construction works may exacerbate existing pollution. If any pollution is found then the appropriate monitoring and remediation methods will be required.

8. Children and Learning – One bedroom units do not usually have a pupil yield.
9. Environmental Protection – Request that certain ambient noise levels based on British Standard and WHO guidelines are demonstrated to be achieved within the proposed development. If this requires windows to be closed mechanical ventilation will need installing. Also commented that placing bedrooms next to kitchens, living rooms or bathrooms in adjacent properties and next to stair wells, entrance halls or lift shafts should be avoided.
10. Highway Authority – No response received.
11. Libraries – No response received.
12. Museums – No response received.
13. Parks – No response received.
14. Veolia Water – No response received.
15. Waste Management – No response received.

NEIGHBOUR CONSULTATIONS

16. Fifty neighbouring properties have been notified and a site notice issued. One representation has been received;
 - Unit 11 Hitchin Road Industrial Estate – No parking proposed in an area with limited parking and issues and on a main road.

MATERIAL PLANNING CONSIDERATIONS

17. The application seeks permission to erect a three storey building to accommodate twelve one bedroom flats. The material planning considerations relate to Policy, street scene, design, effect on neighbouring properties, future living environment, parking, the environmental impact and the previously refused application.

POLICY

18. Policy H2 addresses the provision of additional dwellings and states permission will be granted for residential development on sites not allocated for housing provided the site is underused or previously developed, there would not be a loss of uses that have a recognised local need, it would not detrimentally affect the environment and there is good access to local facilities and public transport. The design and layout guidance in Appendices 2 and 3 of the Local Plan must also be followed.

19. The application site used to contain advertisement boards and trees prior to its clearance and given its topography it can be concluded that it is underused, there is no formal existing use of the site and it fronts Hitchin Road that has a bus route to the town centre. Arguably, the site is in walking distance to High Town District Centre. The environmental impact will be considered below.
20. The National Planning Policy Framework indicates that proposals must be considered having regard to the presumption in favour of sustainable development. Sustainable development includes development that has a high standard of design that goes beyond aesthetic considerations. These objectives have been considered in the assessment to follow.
21. Policy IMP1 is concerned with the level of financial contributions provided by developments and is read in conjunction with the Supplementary Planning Document (SPD) on Planning Obligations adopted in November 2007. Owing to the characteristics of the development proposed no contributions have been sought.

STREET SCENE AND DESIGN IMPLICATIONS

22. The previous scheme was considered an incongruous form of development that would be detrimental to the character of the street scene and failed to improve the physical environment of the town. These concerns related to that proposals' failure to respect the site and areas topography by excavating to street level and not continuing the general step down of building ridge heights in this stretch of Hitchin Road. The limited spacing between the building proposed and existing dwellings also raised concern as did the provision of dormer windows which are not evident anywhere else in the immediate vicinity.
23. The scheme now proposed has omitted a fourth storey which has allowed a lower ridge height and for part of the building to be raised from the highway. Excavation works are still proposed but the building will be raised from street level and will respect the drop in land levels. The ridge height is lower than 222 Hitchin Road. Overall the scheme has given more consideration to the areas topography and provides an integrated building that sits between the existing buildings.
24. The proposed buildings width has been reduced by 1m compared to the previous scheme. As before, it will sit approximately 1m from 222 Hitchin Road but the distance to 212 Hitchin Road has increased. Although, there is still limited spacing between buildings, given the intensive built form provided by the terraces in the area, the spacing now provided will not be significantly out of character or negative to the visual amenity of the street scene.

25. Dormer windows are still proposed, which, as noted previously, are not evident in the immediate locality. However, unlike the previous scheme, the dormers will be at eaves level rather than entirely within the roof space and are therefore level, or below, the first floor windows of 222 Hitchin Road. The dormers will therefore be less prominent and given they have been designed with a pitch roof and are in line with the windows below, the provision of these dormer windows are not now considered to be an incongruous feature.
26. The overall design of the building has been influenced by the surrounding terrace dwellings with the flat roof bay windows similar to the properties to the southwest and the other windows sizes reflective of those of the properties to the northeast. The step down design, allows for better integration within the existing terrace and the dormers and bay windows, now provides some design interest. The overall size and scale is not significantly bulky as most the buildings bulk will be screened from most public viewpoints by its front elevation. The expressed materials of slate effect roof tiles, brickwork, render and possibly timber raises no concern at this stage but a condition requiring the submission of samples is recommended.

IMPACT ON ADJOINING OCCUPIERS

27. The previous proposal was considered visually intrusive on 212 Hitchin Road and a source of overlooking of this property. The property has rear facing windows in the main bulk and flank facing windows facing the application site. The property has a patio area to the side of a rear two storey projection and the boundary before the land levels within the rear garden rise approximately 1.5m at the end of this projection, and rise again further up the garden. The patio area and ground floor windows are already screened to an extent from the application site by a bank which extends approximately 2m above the dwellings and patio land level and this also has trees on top. The greatest view of the application site is afforded to the first floor windows.
28. While it is acknowledged that the proposed development will have some impact on the rear windows of No.212, due to the buildings orientation and the existing land levels the flank windows do not currently receive direct sunlight. The approximate 3.6m spacing, notwithstanding the proposed buildings height, will allow some natural light to the flank windows. Direct sunlight to the rear facing windows will be impeded by the proposed development but only for a limited period compared to current circumstances.
29. The flank facing windows, which serve a kitchen/diner at ground level, and a bathroom and bedroom at first floor level, will look out onto the proposal. Although, the bathroom window is fitted with obscure glazing. The other flank windows view will be affected by the erection of a three storey building on the adjacent plot. However, as noted above, the building now proposed sits further from the boundary than

the previous scheme, with the main bulk (rear projections) 0.5m further from the shared boundary. The proposed buildings overall height has dropped by 0.3m and 0.6m, the former relating to the height of the building closest to 212 Hitchin Road. Furthermore, the views of the site from the ground floor windows will have already been restricted by the bank, and in spring and summer, the trees.

30. Although part of the proposed building will be close to the flank elevation of 212 Hitchin Road, however this section will only project 2.2m deeper than the rear facing windows on No. 212 Hitchin Road. Notwithstanding the three storey height and elevated siting of the proposed building, the revisions to the scheme have reduced the intrusiveness of the building to an acceptable level compared to the previous scheme.
31. Overlooking from the flank windows was a previous concern raised, however the flank windows relate to kitchen and bathrooms and as such they can be provided with obscure glazing. While obscure glazed kitchen windows are not ideal, given that the kitchens share a room with the lounges that have larger rear Juliet balconies or patio doors the need for clear glazed windows is not as vital especially considering the limited size of the kitchen area which are, in reality, unlikely to be used other than when is necessary.
32. The impact on 222 Hitchin Road was considered acceptable previously. The alterations from the previous scheme that affect this dwelling relate to the reduced ridge height, omission of a floor and the proposed installation of six flank windows. Since the proposed flank windows look onto 222 Hitchin Roads' flank wall and the other alterations reduce the proposed buildings height, the impact on this dwelling is again acceptable.
33. The properties to the rear of the site in Pomfret Avenue, which are separated from the application by the nature conservation site, will still not be considerably adversely affected.

FUTURE LIVING ENVIRONMENT

34. The proposed living environment has been improved. More window openings are proposed, some kitchens have been increased in size, the rear retaining wall has been lowered, bin and cycle store relocated and onsite parking has been removed. This has resulted in the proposed flats having a good outlook, more access to light (albeit in some cases a minimal improvement and the window sizes staying the same) and improved layout with less opportunity for noise and associated disruption. It is acknowledged that the flat units are small but given all are only one bedroom they not considered overly cramped in this instance.

35. Environmental Protection have stated that certain noise levels should not be exceed to ensure the occupants of the proposed flats are not disturbed from external noise. A condition is recommended for the submission of a noise assessment and/or noise insulation measures.
36. Amenity space has not been specifically identified on the drawings although a front garden area is identified. The land to the rear of the building has a considerable slope and therefore it is arguable that this can be considered useable amenity space. However, a good landscaping scheme, the submission of which can be imposed by condition, may overcome some of this concern.
37. Overall, although all the concerns raised by the previous scheme have not been fully addressed, on balance, the issues that have been addressed will result in a satisfactory living environment for the buildings future occupiers.

PARKING

38. No parking is now proposed which has caused concern with a resident/business. The provision of twelve one bedroom flats could increase the demand for parking in an area that already has considerable on-street parking despite restrictions on surrounding roads and Hitchin Road. However, Hitchin Road is on a major bus route to and from the town centre and is within walking distance of High Town District Centre and Town Centre amenities. It is therefore considered that the site is in a sustainable location and the necessity for parking is mitigated.

ENVIRONMENTAL IMPACT

39. The site backs onto a designated site of nature conservation importance. As it was considered with the previous scheme, the proposed development is unlikely to pose a significant threat to the site but as advised previously conditions are recommended requiring care during excavation and measures to ensure tree roots are not damaged.

CONCLUSION

40. The revised scheme has overcome the main areas of concern raised by the previous scheme. The scheme in terms of its design and scale is more in keeping with the existing street form. The development of the site for 12 residential units will go some way to address the acknowledged housing need within the borough. It is, therefore, recommended that members approve the application subject to conditions set out in the report.