

**DEVELOPMENT CONTROL COMMITTEE**

**WEDNESDAY 23RD JANUARY 2013**

**RECOMMENDATION OF THE DEVELOPMENT CONTROL MANAGER  
FOR APPROVAL OF PLANNING PERMISSION**

**APPLICATION NO:** 12/01032/FUL  
**PROPOSAL:** Erection of four detached houses with associated garages and access road  
**LOCATION:** Land Rear of 98-102 Montrose Avenue  
**APPLICANT:** Goldvale Developments Ltd  
**WARDS AFFECTED:** SAINTS

**RECOMMENDATION**

**APPROVE**

1. Subject to the completion of a satisfactory legal agreement to secure improvements to education and waste management infrastructure and 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 02, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 15, 16 and 17.

*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) LP1, ENV9, and H2 of the Luton Local Plan.*

- (03) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.

*Reason: To enhance the appearance of the proposed development. To accord with the objectives of Policy(ies) LP1, ENV9 and H2 of the Luton Local Plan.*

- (04) No external lighting shall be installed on the site, other than in accordance with a scheme to be submitted to and approved by the Local Planning Authority beforehand. The scheme, lighting equipment and levels of illumination shall comply with guidance issued by the Institution of Lighting Engineers in their publication "The ILE Outdoor Lighting Guide" and shall be accompanied by a statement from the developer confirming that compliance. The scheme shall thereafter be retained and maintained for so long as the development remains in existence and shall not be varied without the prior written permission of 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) LP1 and ENV9 of the Luton Local Plan.*

- (05) The boundary treatment hereby approved shall be erected prior to the occupation of the building(s) hereby permitted.

*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) LP1, ENV9 and H2 of the Luton Local Plan.*

- (06) The boundary treatment hereby approved shall be erected prior to the occupation of the building(s) hereby permitted.

*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) LP1 and ENV9 of the Luton Local Plan.*

- (07) Details of the surfacing and drainage of all areas of hardstanding within the development 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 prevent the increased risk of flooding and to accord with the objectives of Policy(ies) LP1 and ENV14 of the Luton Local Plan.*

## **REPORT**

### **INTRODUCTION**

2. The application site is an undeveloped backland area, measuring 0.023ha and previously formed part of residential rear gardens serving Nos. 98, 100 and 102 Montrose Avenue. The site has been divided off from the remaining garden land and stands adjacent to a now established backland development known as St

Andrews Grove, a private gated development comprising six detached family dwellinghouses.

### LUTON LOCAL PLAN ALLOCATION

3. The site is not allocated for any specific uses on the Luton Local Plan Proposals Map.

### POLICY IMPLICATIONS

4. LP1, ENV9, ENV14, H2 and IMP1.

### PREVIOUS HISTORY

5. Planning permission was granted in 2006 for the erection of 5 of the 6 detached houses in St Andrews Grove with an additional house being added to the development by virtue of planning permission being granted in 2007.
6. The garden of No.100 Montrose Avenue previously contained a number of protected trees, namely a Horse Chestnut (T1), a Cedar (T2) and a group of trees comprising a Holly and a Mountain Ash (G1). During site clearance works the Cedar (T2) was accidentally removed without the necessary consent and an application to fell the Horse Chestnut (T1) was approved in early 2012. Following the accidental removal of T2, it was agreed with the Local Planning Authority that two replacement trees be put back in the replacement scheme. The applicant was advised on the species which included a fastigate oak and an ornamental apple tree.

### TECHNICAL CONSULTATIONS

7. Highway Engineer – No highway implications are anticipated.
8. Environmental Protection – No response has been received. Any comments made will be reported at the Meeting.
9. Environment Agency – Provides advice concerning flood risk and surface water management.
10. Police Architectural Liaison Officer – Has no objection subject to suitable conditions being attached to any permission requiring acceptable lighting to any communal unadopted areas.
11. Veolia Water – Informative advice received. No objections have been raised.
12. Thames Water – Has provided informative advice about surface water drainage and has no objection concerning sewerage infrastructure.
13. Education – Provides an indication of the deficiencies in available school places in the immediate catchment and the need for contributions to be provided from

development in order to enable expansion of schools to create additional places to accommodate the growing pupil population.

14. Parks – No response has been received. Any comments made will be reported at the Meeting.
15. Libraries – No response has been received. Any comments made will be reported at the Meeting.
16. Museums – No response has been received. Any comments made will be reported at the Meeting.
17. Waste Management – Has advised on the level of financial contribution that would be required to be paid towards waste management services for a development of this size

### NEIGHBOUR CONSULTATIONS

18. 28 adjoining occupiers were notified of the application and site notices were also displayed in the area. Six letters of objection and a petition containing 18 signatures have been received, objecting to the development for the following reasons:-
  - Visual Intrusion.
  - Noise and general disturbance.
  - Detriment to highway and pedestrian safety (in particular children's safety).
  - Loss of green space.
  - Increased parking problems.
  - Increased traffic movements.

### MATERIAL PLANNING CONSIDERATIONS

19. The material planning considerations relate to the principle and viability of the development, the quality of living environment that is being created and its impact on the street scene, the adjoining occupiers and parking.

### PRINCIPLE OF DEVELOPMENT

20. The proposal involves the redevelopment of existing garden land (to the rear of Nos.100 and 102 Montrose Avenue) in order to extend a small established row of houses. Although guidance contained in the National Planning Policy Framework (NPPF) advises against the development of garden land as a general principle, consideration has to be given to the circumstances of each individual site. In this instance Nos.100 and 102 Montrose Avenue are the only dwellings in between Nos. 90 and 116 Montrose Avenue to have retained the full extent of their vast gardens. The sale of part of all the other gardens in the row to allow for development has seen the emergence of Shervington Grove

and St Andrews Grove, two cul-de-sacs providing attractive residential accommodation.

21. This application has transpired following the sale of the remaining two gardens rear at Nos.110 and 102 Montrose Avenue. Notwithstanding the guidance of the NPPF, the circumstances surrounding the application site are such that development of the garden land for housing will not result in the degradation of the character of the area, nor will it involve the introduction of alien living accommodation amongst other gardens. Instead the proposed development is seen as a continuation or even a completion of the established pattern of development. This is a material consideration when assessing the appropriateness of the development and on balance, results in the development being considered acceptable.

#### VIABILITY OF DEVELOPMENT

22. With regard to the Council's SPD on Planning Obligations, it has to be recognised that all forms of new housing will have some impact on existing local infrastructure and in this instance financial contributions are being sought from the Council's Children and Learning and Waste Management Sections for improvements to their services.
23. Children and Learning has indicated that despite significant expansion of school places across the town, and in this area in particular, Luton is still facing a shortfall of school places. Furthermore, even after completion of current expansions, as an absolute minimum over 900 additional school places will still be required as a result of the forecast pupil population figures. This proposed development falls into an area of the town where the pressure on school places is particularly acute and a number of the schools in this area have already undergone expansion to accommodate rising pupil numbers. Many of the schools are on small sites making expansion difficult without demolishing the current buildings and rebuilding the school higher on a smaller footprint, which there is not adequate funding to achieve. The current catchment area primary school, William Austin, has already undergone expansion and can now accommodate 150 children per year group. However, the school is still consistently full in all year groups with waiting lists. There has been further expansion in five of the schools neighbouring William Austin and a new Free School is due to open from September 2013, in this area of the town offering an additional 120 places per year group. In spite of this extensive expansion, there will still be a need for additional school places in this area of town.
24. Waste Management has indicated that the contribution requested would go towards the provision of bins in the new development and waste management collection. Without the required contribution, the Council would have to provide the bins, which puts a strain on existing financial resources.
25. The applicant has indicated that due to the current economic climate, the profit margins realised in the scheme would be unviable should the full infrastructure improvements to education and waste management be required and a breakdown of viability has been provided to support this. The figures contained

within the viability report indicate that only an 8.93% profit margin would be realised from the development, which is below the 15% profit margin, which might be expected.

26. The economic viability of development is a material planning consideration and in the case of some recent planning applications a hard line has been taken in instances where applicants have sought the waiving of some or all contributions due to negative viability. In those cases the impact caused by the development in the absence of suitable infrastructure improvements was considered to be so direct that they would be unsustainable within their surroundings. Whilst this development is notably smaller in scale, and the impact on local services caused by the development alone will not have nearly as direct an impact as those cases previously mentioned, it will have an impact in cumulative terms and will contribute to further pressure being put on existing infrastructure and services which are deficient and the need for improvement is acute. Accordingly, the applicant has offered a third of the overall contribution and is willing to submit a legal agreement, which will include a suitable overage clause providing a mechanism to potentially claw back the deficit should the financial situation improve by the time that the development is complete. In the circumstances this is considered to be reasonable.

#### LIVING ENVIRONMENT TO BE CREATED

27. All four houses proposed will be detached and will be of a significant size with Plot 1 comprising four bedrooms and Plots 2, 3 and 4 comprising five bedrooms. Internally the properties will be spacious with habitable rooms all being afforded window openings to allow for natural daylight penetration. Externally the dwellings will have generous enclosed gardens in excess of 100sqm and they will be in keeping with all other properties in the street. The street will be provided with areas of landscaping and tree planting to compensate for those previously removed and generally the development is considered to offer a good quality living environment for future occupiers.

#### STREET SCENE IMPACT

28. The dwellings proposed will be identical in scale and appearance to those existing in St Andrews Grove and by following the existing pattern of development they will not appear out of place. Plot 1, which will stand on the western corner of the approach into the development, will be a mirror image of an existing house on the opposite side of the road (also a corner plot), with the exception of an additional two storey element projecting off the rear. This difference will have little impact on the street scene and has no detrimental impact on the spaciousness of the plot in general.

#### IMPACT ON ADJOINING OCCUPIERS

29. The new dwellings are laid out on site to replicate the existing character of St Andrews Grove and as a result, they will achieve similar spatial separation with surrounding properties. Importantly the instances where both a back-to-front and a back-to-side relationship with existing properties occurs, the spatial

standards as set out in the Local Plan are far exceeded. The new properties will obviously result in some impact on the outlook currently enjoyed by adjoining dwellings but they are an acceptable distance away not to result in any visual intrusion.

30. The height of the proposed garages at the rear of No.102 Montrose Avenue did cause some concern for existing occupiers and, despite the garages exceeding the minimum separation distances in the Local Plan, the applicant agreed to an amendment to the height, to ensure that any detriment was avoided. Accordingly the heights of garages have been reduced from 4.8m (to ridge) down to approximately 3.9m (to ridge) so that they are less imposing when viewed from the rear gardens of existing properties to the south.
31. Existing residents are concerned about a potential increase in noise and general disturbance but the addition of four houses to the street is not anticipated to result in a significantly noticeable change in noise levels and activity.

### DESIGN

32. As previously mentioned the design and scale of the proposed dwellings will be identical to those existing in the street. Therefore no objections on design grounds.

### PARKING AND HIGHWAY IMPLICATIONS

33. Each of the properties will be provided with off-street parking spaces. Parking for Plot 1 will see one space within a detached garage and two spaces arranged in a tandem manner, all adjacent to the southern flank wall. The three remaining dwellings will each benefit from a detached double-garage offering two spaces with a further two spaces on hard-standings to the front of the garages. A further space will also be available on each of the driveways totalling up to 5 spaces per property if required. Whilst this is above the maximum standards expected of dwellings of this size, it will provide appropriate parking for visitors to the new dwellings, which is something that the adjoining occupiers have raised as an area of concern.
34. The development of Plot 1 will remove a small plot of land which was left over from the original development of St Andrews Grove, which has been grassed over in part with the remainder being hard-surfaced to provide up to four off-street parking spaces. The parking area did not form part of any planning approval but it has been well utilised by existing residents and visitors to the site. Nevertheless each of the existing dwellings benefit from a suitable level of off-street parking, which is in accordance with Local Plan standards, and the loss of four spaces will have no bearing on existing available parking for occupiers of properties within the street. Visitors to the existing dwellings will have to utilise the on-street space available, but this is already the case within many other parts of the cul-de-sac. Given the parking provided at the new dwellings, the proposed development will not contribute to any existing demand. No objection has been raised by the Highway Development Manager.

35. Concern has been raised by residents about the potential increase in traffic generated by the development and the impact that this will have on highway and pedestrian safety. It is acknowledged that there will be an inevitable increase in traffic movements but this is not anticipated to worsen the existing safety of residents in the street. The electric gates at the entrance to St Andrews Grove currently provide a traffic calming measure for vehicles flowing in both directions and this will continue to be the case with the additional dwellings

## **CONCLUSIONS**

36. The physical elements of the development are considered to be acceptable with regards to the design and the living environment created and its impact on the street scene, adjoining occupiers and parking. If Members are minded to accept the reduced financial contribution being offered together with an appropriate overage clause written into a legal agreement, it is recommended that the application be approved.