

AGENDA ITEM

6.3

COMMITTEE: Petitions and Representations Board

DATE: 12 Aug 2019

SUBJECT: Petition – Objection to building development of Wandon Recreation Park submitted by Cllr D Moles.

REPORT BY: Rebecca King, Residential Development Manager

CONTACT OFFICER: Rebecca King

IMPLICATIONS:

LEGAL

COMMUNITY SAFETY

EQUALITIES

ENVIRONMENT

FINANCIAL

CONSULTATIONS

STAFFING

OTHER

WARDS AFFECTED: Wigmore Ward.

PURPOSE

1. To set out a response to the Petition submitted to Luton Borough by Cllr Diane Moles. The petition has 309 signatures “*Objecting to building development of Wandon Recreation Park.*”

RECOMMENDATION(S)

2. The Committee is recommended to:
 - note the content of the report

- **note that a full Planning Application will be submitted for the development of 60 Residential Properties on land currently known as Wandon Park**

BACKGROUND

3. Cllr Moles submitted a Petition on 26 June 2019 to Luton Borough Council containing 309 signatures– “*Objection to building development of Wandon Recreation Park*”. Foxhall Homes LTD is proposing a residential development of 60 new homes to be built for Market Sales and Affordable Rent on the land currently known as Wandon Park.

REPORT

4. Foxhall Homes Ltd was established as a Wholly Owned Council Company to build well designed quality homes on surplus land owned by Luton Borough Council in order to help address the chronic housing shortage in the Borough. As identified in the Luton Local Plan 2011-2031 (LLP) This means building more affordable homes on our sites, for families, couples and individuals who are eligible for homes through Luton Borough Councils housing waiting list. Where possible we will provide 30% affordable homes on our development sites. This is above the 20% requirement as set out in the Luton Local Plan 2011-2031 Policy LLP16 - Affordable Housing Luton.
5. There is also a need to build market sale homes to help pay for the construction of more affordable homes. In building new market sales homes, Foxhall Homes Ltd is committed to re-investing any residual net proceeds from private sales back into neighbourhoods in the form of new affordable housing.
6. Foxhall Homes are proposing a mixed tenure residential development on land known as Wandon Park in the Wigmore Ward. The proposal is that the park will be re-provided on land owned by LBC adjacent to the existing park within North Hertfordshire District Council boundary.
7. The land adjacent to the park is one minute further away on foot than the current park, and is twice the size of the existing park and meets the classification as set out within LLP 27 for a neighbourhood park. The policy states that exceptional, losses will be permitted where (i) replacement open space provision can be made that is of an equivalent type, quality, quantity or better and is accessible and within the vicinity. The replacement park meets this policy requirement.

8. The proposed new park is owned by LBC and is currently leased to Putteridge High School as a playing field however the school haven't used the field since July 18 and they now have a sports field adjacent to the school. Negotiations between the school and LBC have resulted in re-provision of the sports field on land adjacent to the school. LBC legal team are working with the school to extinguish the current lease.
9. Foxhall Homes have undertaken two public consultation events in order share the proposals with the local community. We held our first public consultation in October 2018 at Putteridge High School and a further consultation was held in February 2019 at the Stopsley Baptist Church Hall.
10. To fully engage with the community we undertook the following activities:
 - Both of the public consultation events were advertised on the Luton Council Consultation portal. Members of the public had the opportunity to give feedback on the proposals and view the scheme design.
 - Notices were placed in the local area and sign boards were erected in the park advertising the event.
 - The public consultation in October 2018 was attended by 179 local residents and we received 90 written responses. The second public consultation was held in February 2019 the event was attended by 250 people and we received 173 written responses.
 - On receipt of the feedback on the overall scheme and after reviewing the written responses the scheme design was reviewed and changes were made to allay concerns.
 - A written response giving feedback was also sent to consultees who provided full contact information as a result of each consultation. This was also published on Luton Council Consultation portal. The written response can be found in Appendix 1 and Appendix 2.

PROPOSAL/OPTION

11. The proposal is that Foxhall Homes will be submitting a planning application to LBC for the residential development at Wandon Park.
12. An application has been submitted to NHDC for change of use from school playing fields (D1 use) to public open space (D2 use). This has been granted under ref 19/00204/FP.

13. The detailed layout of the park still needs to be approved in a separate application to NHDC.
14. Objections to the development can be made through the planning process once the application has been made by Foxhall Homes to LBC planning department.

APPENDIX

Appendix 1 Wandon Park Consultation Feedback – October 2018



Place & Infrastructure
Town Hall
George Street
Luton Beds
LU1 2BQ

December 2018

Dear

Wandon Park Consultation Feedback

Thank you for your recent response regarding the public consultation Foxhall Homes held regarding the residential and park development at Wandon Park. We have written to all those who provided full postal addresses or email address in order to update you on the scheme and its development.

Our consultation event was attended by 179 people and we received 90 written responses.

We have summarised the key items that were raised and our comments in the response below:

1. Loss of existing park and green space

Foxhall Homes proposes to replace the existing park with a new park, approximately twice the size on the former Putteridge High School playing fields.

2. Putteridge Road and surrounding roads are already congested and will not cope with extra demand

We have reviewed the comments on access with Highways and propose to alter the access to Hayling Drive instead of Selsey Drive. There is no intention to link Hayling Drive and Selsey Drive for vehicles in the future. The only links we intend to provide are for pedestrian and cycles

3. The development is too dense

We shall seek to reduce the number of housing units from 68 to approximately 60 in a revised design

4. Provide a Children's Play Area (varying ages)

Following feedback we have opted to look at small parks within the new residential development to ensure they are accessible and well over looked. This will provide a range of safe play equipment. The proposed park on the playing fields will then be more of a like for like replacement to "Wandon Park", albeit, larger in size.

5. Concerns Park in Hertfordshire will change at a later date



Originally we looked to develop the former Putteridge High School fields for housing; however, the land is currently allocated "Green Belt" in North Herts District Council's local planning policy. This planning restriction makes development incredibly difficult.

6. Concerns the new park is further away

Our revised design will look to incorporate small parks near the existing access points to Wandon Park to mitigate for the increased distance.

7. Provide a community/youth centre within pavilion

The final uses for the pavilion will be reviewed once the final housing design has been determined.

8. Concerns that the local facilities are over stretched and will not cope with the new development

Foxhall Homes intends to pay planning contributions to Luton Borough Council to provide additional local services to offset the impact of the development. The amount of contributions will depend on the final scheme proposed for planning.

9. Concern that the houses will not have enough parking provision

The design was prepared in accordance with local planning policy parking standards; however, our revised design will look at improving parking. We shall also provide a dedicated car park for the public open space

10. No three storey buildings

We have decided to omit the three storey block of apartments and replaced them with two storey maisonettes.

11. The development will hinder rear access into adjacent gardens

Access will be discussed with residents who have established access rights, however, a revised design will safe guard this access.

12. Concerns that the existing land floods or new development will increase flooding

Foxhall Homes has its own Consulting Engineer reviewing the existing site and preparing designs for any new scheme. They are comfortable that the scheme can be appropriately developed under current legislation/policy regarding flooding.

13. Concerns over the amount of affordable housing and anti-social behaviour. Provide CCTV and good lighting.

Foxhall Homes is committed to providing 30% affordable housing where financially viable. Luton has a significant shortage of affordable homes as outlined in the Luton Local Plan.



The design of the development looks to utilise 'Secure by Design' principles in order to design out issues with anti-social behaviour as far as practical. CCTV will be discussed with the Crime Prevention Officer during the Planning application to see if it is necessary.

Lighting will be designed to meet current standards whilst ensuring it is sensitive to the residents and any adjoining wildlife areas in regards to light pollution.

14. De-valuing existing residential properties

There is no obligation on Foxhall Homes to compensate for the loss in 'perceived/actual' value of neighbouring properties.

15. Provide more affordable housing

Foxhall Homes is providing 30% affordable housing which is above the minimum in the Luton Local Plan which stipulates 20%.

16. There is not enough separation distances between proposed and existing dwellings

The original design was based on the required back to back distances in the previous planning policy, however, the revised design has sought to go above those minimum distances where adjoining existing properties.

17. No Flats

As noted above, flats have been replaced with a fewer number of maisonettes of no greater than two storeys in height

18. Provide more 2/3 bed properties rather than 4/5

Foxhall Homes has provided a revised mix in a new scheme; however, we feel the mix is right for the area. If we increase the amount of small units, it would lead to an increasing in housing which we think would be frowned upon as it would increase density.

19. The development will affect natural light into the existing gardens/properties

The development goes above the recommended distance of that from one house to another, so we feel a sympathetic design has been suggested.

20. Use the site for Sheltered Housing / Bungalows

Whilst the idea is nice, Sheltered Housing would not be an affordable option for the development.

21. Will the development be affordably priced

Affordable Housing will be affordable rent, which is 80% of the private rental value. The houses shall be sold at market rate.

22. There is a Roman Well located below the ground within the park



Our Consultants do not believe this is the case; however, there are Wells to the east of the site in North Hertfordshire.

23. Access will be required across the park during construction

We shall allow access from Hayling Drive to Selsey Drive during construction for pedestrians.

24. Concerns over wildlife (bats, birds, animals etc) and habitation loss

We have undertaken Ecology Surveys and our Ecologist is completing their works this winter. No significant issues have yet been raised. Mitigation will be provided where necessary.

25. Concerns over Air Quality

We are commissioning an Air Quality survey to take into account any issues.

26. Features to provide in the park: Zip wire, Splash Park, pool, fitness equipment, bins, picnic tables, benches, tennis court, Skate Park, maze, dog walking (fenced), nature trail, football pitch, BMX track, cycle route, water feature etc.

Foxhall Homes are working with Luton Borough Council Parks department to devise the most appropriate solution for the main park and the small parks within the residential development. We like the suggestions and will try to incorporate where practical.

27. We believe H.C. Janes Ltd donated the park to LBC on the proviso that the land remained green. How is it now legal to ignore this?

The land was not donated, the Council exchanged land it owned and paid consideration. If there were any restrictive covenants as to the use in the 1956 deed of exchange, these would appear on the Land Registry Titles.

28. We have also heard that LBC have somehow lost the paperwork regarding this donation and provision. If so; just because you no longer have the paperwork; how is it legal just to ignore the land stipulations?

The land was already registered at the Land Registry when the land exchange took place in 1956. The Council will have produced the 1956 Deed of Exchange to the Land Registry in order to be registered as the new owner and if the 1956 deed had contained covenants, both these and the deed itself would have been added to the registered title. The fact that this is not the case, confirms that there were no covenants restricting the use included in the 1956 deed and so it is irrelevant that the Council does not hold a copy of the deed.

29. As Foxhall Homes is owned by LBC; is it legal to give planning permission to yourselves?

Yes its legal, Foxhall Homes are able to apply for planning. LBC can submit planning applications to itself under Regulation 3 of the Town and Country Planning General Regulations 1992.

30. Concerns over construction noise and disruption



The project would likely be constructed over an 18 month period with any works to create a new park carried out in advance. We estimate construction could start in autumn 2020, but this is wholly dependent on achieving planning permission.

The works timing and methodology would be controlled by a planning condition to ensure disruption to neighbours and the surrounding roads is managed. We would anticipate the hours of work to be 0800-1800 Monday to Friday and 0900-1300 on Saturdays. There would be no Sunday or Bank Holiday working.

We have taken into consider the comments as far as possible and can summarise the following key changes we propose to make to the design/layout:

- a. The vehicular site access has been changed from Selsey Drive to Hayling Drive
- b. A cycle path & dedicated footpath link has been provided from Selsey Drive to Hayling Drive
- c. The total number of properties has been reduced from 68 to 60.
- d. Parking has been provided to the Proposed Public Park.
- e. The proposed three storey block of flats with communal access have been replaced with two storey maisonettes.
- f. Additional separate public open space with children's playground will be introduced, which is also overlooked by the proposed and existing neighbouring properties
- g. The proposed houses adjacent to the existing park boundary have generally been moved further away from existing properties.
- h. The previous car parking court adjacent to Wandon Close has been removed to provide a larger defined open space with dedicated footpath into the site.
- i. Sustainable drainage feature provided to collect surface water runoff and help attenuate water to replicate natural run off rates. This will also help improve ecology.
- j. Better segregation between new and existing roads have been created at Wandon Close, Hayling Drive and Birling Drive to ensure there can be no vehicular link.

We are now just refining this updated design and our plan is to re-consult with the public on the revised scheme on 20 February 2019 at Stopsley Baptist Church. We intend to advertise this consultation formally early in the New Year and will setup an online portal for people to view the scheme in advance of the consultation event.

The online portal will also include a copy of this consultation summary, for all those people who fed back but didn't provide correspondence details.

Once we have received further feedback from the public, we shall make any changes to the scheme we feel necessary prior to submitting for planning.

Thank you for all your time and feedback on our scheme and we look forward to working with you on the revised design in 2019.

Kind regards

Roger Kirk
Chief Operations Officer
Foxhall Homes Ltd

Appendix 2 Wandon Park Consultation Feedback –February 2019

30th April 2019

Wandon Park Consultation Feedback February 2019

Dear

Thank you for your recent response regarding the second public consultation Foxhall Homes held regarding the residential and park development at Wandon Park. We have written to all those who provided full postal addresses or email address in order to update you on the scheme and its development.

Our second consultation event was attended by 250 people and we received 173 written responses.

We have summarised the key items that were raised and our comments are in the response below:

1. Concerns about the level of detailed information provided for the new recreation/leisure facilities

The current plans show what is proposed as recreation facilities. However, the details are quite limited at this stage, but the principles are outlined as the final design is subject to planning requirements based on the consultation that will be undertaken by planning.

2. What provision is there for healthcare services & schools

Foxhall Homes intends to pay planning contributions (S106) to Luton Borough Council to provide additional local services to offset the impact of the development; this includes waste, museums, education etc. The NHS CCG commission local Health Services and have the ability to request planning contributions. The amount of contributions will depend on the final scheme design submitted for planning and meeting certain criteria.

3. Why were the land registry deeds not shown

The information relating to the ownership of the site was displayed at the consultation event on 20 Feb 2019. The land known as Wandon Park is in the ownership of Luton Borough Council.

4. How will the proposed new park serve the community

The new park is a re-provision of the existing with new play facilities and the potential for provision of sport which are enhancements on the current park. Smaller parks are proposed within the site to provide amenity at varying scales and types of recreation. The proposal is that the fencing will be improved around the new park and provide new timber post and rail fences to better reflect the more rural nature of the park. The final design of the proposed new park and the proposed smaller park within the proposed residential development is subject to planning approval.

5. The paths/pavements around the development appear very narrow in places

The proposed design of the footpath widths meet the standard Highways requirement and will provide a cycle path between Selsey Avenue and Hayling Drive.

6. The public open spaces in the development appear small compared to the public park

The public open spaces in the scheme are designed to suit different users. The smaller areas within the development are aimed more at smaller children and general visual amenity, and the larger park is more focused toward older children and adults.

7. Will the public park be open at all times or will it be open at particular times

We have no plans to restrict access to any of the proposed public spaces.

8. Concerns over the proposed road access

Highways have confirmed the proposed road design is suitable and that Hayling Drive has capacity to be the main route into the proposed development. Wandon Close is too narrow for the main access and no vehicular access is being provided via Putteridge Road. We have no plans to open up Selsey Drive the only links we intend to provide between Hayling Drive and Selsey Drive are for pedestrian and cycles. A transport assessment will be carried out as part of the planning application process.

9. Height of the proposed houses and concerns about overlooking

There are no 3 storey houses on the development. The 2.5 storey houses (two storey houses with loft conversions) have been designed so only high level velux windows are on the rear of the property. These windows are in non-habitable rooms to minimise the potential for overlooking so essentially overlooking would be the same with the 2 storey dwellings.

10. Concerns about maintaining existing boundaries

Foxhall Homes are proposing separate boundary fences so existing home owners can retain existing boundary fencing.

11. Phasing of the proposed development to maintain access to public open space

The re-provision of the new park will be implemented first. Once completed, construction can start on the residential development.

12. Is the development maximising the amount of affordable housing

Local planning policy requires 20% affordable housing provision. Foxhall Homes will be providing 30% affordable housing.

13. What is the planning status on the new park

The proposed new park has been approved in terms of its “change of use” by North Hearts District Council (NHDC) and the planning application was advertised by NHDC. The detailed layout of the park still needs to be approved in a separate application by NHDC.

14. Where will new residents park

Parking has been incorporated into the development for all dwellings. The houses have 2 or 3 spaces and the maisonettes also have parking provided. Visitor spaces are also provided throughout the site. We are looking to alter our proposed layout following feedback on the practicalities of the parking layout.

We have also attached our feedback (below) to the responses we received as a result of the first consultation held in October 2018 which was used to refine and update our design prior to the consultation in February 2019.

Now that the consultation process has completed and we have received public feedback we shall make any changes to the scheme we feel necessary prior to submitting for planning in the next few months.

A copy of this letter can be found at www.luton.gov.uk/consult

Thank you for your time and feedback on our scheme.

Kind Regards,



Roger Kirk
Chief Operations Officer
Foxhall Homes Ltd

To assist with consultation queries which were similar in nature to queries raised in October 2018, please see below the original letter that was issued.

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- j. Better segregation between new and existing roads have been created at Wandon Close, Hayling Drive and Birling Drive to ensure there can be no vehicular link.

Kind regards



Roger Kirk
Chief Operations Officer
Foxhall Homes Ltd

LIST OF BACKGROUND PAPERS **LOCAL GOVERNMENT ACT 1972, SECTION 100D**

[Click here and enter list of background papers]

