

AGENDA ITEM

COMMITTEE: DEVELOPMENT CONTROL

DATE: 12TH JANUARY 2005

SUBJECT: AMENITY LAND ADJOINING M1 RAVENHILL WAY.
ERECTION OF SINGLE STOREY COMMUNITY CENTRE
WITH ASSOCIATED LANDSCAPED GARDENS, CAR
PARK AND BOUNDARY FENCING.
(APPLICANTS RAVENHILL COMMUNITY GARDEN)
(APPLICATION NO. 04/00170/REG3)

REPORT BY: DEVELOPMENT CONTROL MANAGER

CONTACT OFFICER: SANDRA RICHARDSON 546317

IMPLICATIONS:

LEGAL	COMMUNITY SAFETY
EQUALITIES	ENVIRONMENT
FINANCIAL	CONSULTATIONS
STAFFING	OTHER

WARDS AFFECTED: LEWSEY

PURPOSE

1. Members may recall that this application was deferred from the previous meeting and the report is to advise Members of the development proposed and to seek their decision on the application submitted.

RECOMMENDATION(S)

2. Having regard to the fact that the development is considered to be in accordance with Policies BP1 and E1 but contrary to Policies OS1, LC2 and T7 of the Borough of Luton Local Plan, Development Control Committee is recommended to refer the application to Full Council under the Departure procedures and to recommend Council to grant planning permission subject to the following conditions:-

- (01) The development hereby permitted shall be begun not later than the expiration of five 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 Policy(ies) BP1 and E1 of the Borough of Luton Local Plan.

- (03) No trees or shrubs shall be lopped, topped or felled without the prior approval of the Local Planning Authority, in advance of a landscaping scheme for the site being approved and that scheme shall indicate the location of all the trees existing on the land together with the species of each tree.

Reason: To enhance the appearance of the proposed development. To accord with the objectives of Policy(ies) BP1 and E1 of the Borough of Luton Local Plan

- (04) Before any work on site is commenced, full details shall be submitted to and approved by the Local Planning Authority for the safeguarding of the trees, shrubs and/or hedges within the site. The safeguarding measures thereby approved shall be implemented prior to the commencement of any demolition works, removal of topsoil or commencement of building operations and retained in a position until development is completed. The land so enclosed shall be kept clear of plant, building materials, machinery and other objects and the existing soil levels not altered.

Reason: To enhance the appearance of the proposed development. To accord with the objectives of Policy(ies) BP1 and E1 of the Borough of Luton Local Plan

- (05) The area to be used for car parking in connection with the development hereby permitted shall not be used for any purpose other than for the parking of staff and visitors cars and the standing of vehicles while servicing the premises and shall be ready for use prior to the occupation of the building(s) comprised in the development hereby permitted.

Reason: To ensure that adequate provision is made for vehicles to park clear of the highway in the interest of road safety. To accord with the objectives of Policy(ies) BP1, E1 and LC2 of the Borough of Luton Local Plan.

- (06) Details of the surfacing and drainage of any parking service area(s) hereby approved 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 pollution of the water environment. To accord with the objectives of Policy(ies) E10 of the Borough of Luton Local Plan.

- (07) No external lighting shall be installed to the parking/service area(s) or to the perimeter of the building(s) hereby approved, other than in accordance with a scheme to be submitted to and approved by the Local Planning Authority prior to the installation of any external lighting on the site.

Reason: To protect the amenities of neighbouring properties. To accord with the objectives of Policy(ies) BP1, LC2 and E1 of the Borough of Luton Local Plan.

- (08) Full details of the materials to be used in the construction of the external walls and roof of the building shall be submitted to and approved by the Local Planning Authority before the development is commenced.

Reason: To enable the Local Planning Authority to exercise proper control over the development proposed, in the interests of securing a satisfactory standard of work and of safeguarding the amenities of the surrounding area. To accord with the objectives of Policy(ies) BP1, LC2 and E1 of the Borough of Luton Local Plan.

- (09) The use hereby permitted shall not operate outside the hours of 0930 to 1700 on any day.

Reason: To protect the amenities of neighbouring properties. To accord with the objectives of Policy(ies) BP1, LC2 and E1 of the Borough of Luton Local

- (10) Any proposed water feature shall be constructed in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority before the development commences.

Reason: To ensure that those features enhance the conservation value of the site and provide undisturbed refuges for wildlife using the waterbody.

- (11) A landscape management plan, setting out management and maintenance responsibilities for all hard and soft landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, for its permitted use. The landscape management plan shall be carried out as approved and shall remain in force for as long as the development remains in existence.

Reason: To protect/conservate the natural features and character of the area.

- (12) The development hereby permitted shall not be occupied until the access to the site and the pedestrian refuge island shown on the approved plans has been constructed in accordance with the approved details.

Reason: To avoid the creation of traffic congestion on the highway in the interests of safety and convenience of pedestrians and other road users. To accord with the objectives of Policy(ies)BP1, LC2 and E1 of the Borough of Luton Local Plan.

- (13) The building(s) and/or site shall be used for a community centre, crèche, café, advice centre and for the holding of seminars and for no other purpose, including any other purpose within Class D1 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).

Reason: To protect the amenities of neighbouring properties. To accord with the objectives of Policy(ies) BP1 and E1 of the Borough of Luton Local Plan.

- (14) Within six months of the date of the permission hereby granted, a scheme providing for an integrated package of transportation measures to accord with the principles set out in the white paper on the future of transport "A New Deal for Transport: Better for Everyone" to minimise car travel to the site by staff and visitors shall be submitted to the Local Planning Authority for approval and the details thereby approved shall be implemented prior to the occupation of the building. The scheme so submitted shall be prepared in joint consultation with the Local Highway Authority.

Reason: To avoid the creation of traffic congestion on the highway in the interests of safety and convenience of pedestrians and other road users. To accord with the objectives of Policy(ies) BP1,LC2 and E1 of the Borough of Luton Local Plan.

- (15) No weddings or other social functions shall take place on the premises at any time.

Reason: To limit potential on-site parking demands in the interests of highway and pedestrian safety in accordance with Policies BP1, E1 and LC2 of the Borough of Luton Local Plan.

REPORT

Site and Surroundings

3. The application site is located on the eastern side of Ravenhill Way directly north of the allotment gardens, with the M1 Motorway to the east. It currently comprises an undulating open grassed area, part of a larger area of public open space. Electricity pylons run north to south between the site and the M1, and there are a number of trees on the site and in particular along the southern boundary with the allotment gardens.

The Proposal

4. The proposal seeks to create a community garden and involves a play area, adventure playground, wildlife pond and single storey building to include crèche/nursery, 3 meeting rooms, WC's, café, office and advice room. The site is to be enclosed with 2m high plastic coated galvanised mesh fence with powder-coated posts.

5. A feasibility study was carried out by the applicants in the local area prior to submission of the planning application. The study demonstrated both the need and support for the project which is intended to provide facilities for all age groups, including gardening and horticulture, school visits, play and nursery facilities and which will be built with the involvement of local unemployed people. Local consultations were carried out by the applicants, including public meetings and a newsletter distributed to every house in the area, together with an exhibition at the Lewsey Festival and the project has SRB funding. On completion, it is intended to transfer the land to a trust company to manage the facility.

6. The design of the building is proposed to be accessible, capable of extension, built to the highest environmental and energy efficiency standards and will blend in with the landscape with the use of a 'sedum' covered grass roof.

Relevant Planning Policy

7. The area is designated as public open space in the Borough of Luton Local Plan and is within the green network and green linkages identified on the Nature Conservation Strategy Map.

8. Policy OS1 of the Borough Plan seeks to safeguard open space and development on it is not normally allowed unless an alternative and appropriate area of public open space within the vicinity is provided. It goes on to say that any use or other development that restricts public access to public open space will normally be refused.

9. Policy E9 of the Plan seeks to protect sites that form part of the green network across the town from development, which would affect its integrity.

10. Policy LC2 supports the provision of new community facilities where there is an identified local or regional need, no loss of public or private open space, good accessibility to the main road network and by public transport and no detrimental effect on the surrounding area.

11. Planning Policy Guidance (PPG) Note 17: Planning for Open Space, Sport and Recreation states that existing open space should not be built on unless an assessment has been undertaken which has clearly shown the open space to be surplus to requirements. The document accepts that not all open space is of equal merit and some may be available for alternative uses. In the absence of an up-to-date assessment, applicants may seek to demonstrate through an independent assessment that the land is surplus to requirements and consult with the local community to demonstrate that their proposals are widely supported by them.

12. Paragraph 16 of PPG17 goes on to state that the recreational quality of open spaces can be eroded by insensitive development or incremental loss of the site and, when considering development proposals, local authorities should weigh any benefits being offered to the community against the loss of open space that will occur.

Consultations

13. The following technical consultation responses have been received: -

14. Street Services - no response received.

15. Capital & Asset Management - no response received.

16. Three Valleys Water - no response received.

17. Department of Transport (Highways Agency) - no comments as the proposal will not adversely affect the M1 at this location.

18. Thames Water - no objections.

19. 24 Seven - no response received.

20. Environment Agency - no objections. 2 conditions suggested if permission is granted (see Conditions 10 and 11) and a number of informatives for the Applicants attention.

21. Highway Development Manager – there is an adopted 2.0 metre width service strip fronting the site that should be excluded. There was a concern regarding the level of parking being inadequate and the likely overspill parking on Ravenhill Way and amended plans have now been received to address this. A pedestrian refuge island in Ravenhill Way is required at the developers' expense and has been shown on the plans.

22. The application has been notified to 71 individual adjoining occupiers and site notices posted in the immediate surrounding area. It has also been advertised under the procedures set out in the Town and Country Planning (Development Plans and Consultation) Directions 1999.

23. 36 individual letters of representation were received from 33 separate addresses together with a petition containing 262 signatures and a letter from Kelvin Hopkins MP raising the following concerns: -

- loss of open space/environment : the area is currently well used as open space and the proposal will restrict access by people who currently enjoy the space.
- Crime: levels will increase because public buildings are often subject to vandalism and other anti-social behaviour.
- no need for the development: there are other community facilities elsewhere in Lewsey which are adequate.
- noise and pollution: the car park and the traffic generated by the development will cause noise and disturbance, particularly to residents immediately opposite the site.
- parking/traffic: parking is inadequate and on street parking will result.
- green belt: the area should not be built on.
- contrary to policy : the Council's own policies suggest that the application should be refused.

24. Following receipt of revised plans further notifications were carried out and 4 objections had been received at the time of preparing this report reiterating the original concerns. Any subsequent responses will be reported to the meeting.

Main Planning Considerations

25. The principal considerations to be addressed are the need for the development, the provision of adequate parking on the site and the impact of the development on the existing area of public open space and the green linkages in the town.

Need for the Development

26. The scheme was originally reported to Executive in January 2003 by the Head of Community Education and Development confirming that an application for SRB funding and lottery funding is being submitted to provide facilities for all age groups, school visits, play and nursery facilities; the intention being that the development is built either directly by unemployed local residents on a training scheme or by a local builder who will take on some local trainees.

27. The conclusions of the feasibility study were that the area was densely populated with only a few poorly sited community facilities. A "Planning for Real" exercise in early 2000 identified needs and solutions as perceived by those who live in the area and a review of possible locations was carried out with support being given to the current location by the Council's Capital and Asset Management Division.

28. The Applicants' consultation exercise included public meetings and a newsletter distributed to every house in the area as part of neighbourhood renewal work, together with a display at the Lewsey Festival. The information submitted indicates that there is support for the provision of additional community facilities in the Lewsey Area. However, from the representations received following notification of the planning application, it is clear that there are a significant number of objections to the proposal, most of which are from residents closest to the open space who are more likely to be the current users of the site.

29. The proposal, given its variety of uses, is intended to widen the use of the area to the whole community. It is located on a good bus route and therefore accords with Policy LC2 in that particular respect.

Parking Provision

30. The Highways Development Manager had originally raised concerns that, notwithstanding the intention to serve the local community, the level of parking shown on the plans was inadequate and likely to result in overspill parking on Ravenhill Way. The application forms indicate staffing levels to be 1 full time and 4 part time staff and revised plans now show 14 spaces (an additional 3 spaces from the original submission), together with improved access arrangements.

31. The proposed development is specifically aimed at serving the needs of the local community. The 14 off-street parking spaces achieve 35% of the Borough Plan requirements and therefore it is accepted that there may be a demand for some on street parking at peak times. A new pedestrian refuge island is shown to meet the Highway Authority requirements and it is proposed to hard surface the remaining area between the fence and the highway to enable parents to get children out of vehicles on the kerbside. To reduce the impact on the residential occupiers immediately opposite the site, a new pedestrian entrance is shown facing the side garden of No. 1 Swanmead rather than directly facing properties in Ravenhill Way.

32. The applicants are keen to point out that the scheme is intended to be built in accordance with sustainability criteria, that car parking will not be encouraged as people will be expected to walk from the local area, and that other community gardens established elsewhere in the country do not appear to create traffic problems.

Impact on Public Open Space

33. The site is currently part of a larger area of public open space and the proposal will result in an area of land that measures 67 metres along the Ravenhill Way frontage (total site area 0.55 hectares) being enclosed with resultant restricted public access.

34. The Local Plan Policies relating to this site seek to safeguard public open space unless alternative areas are provided in the same area and any use or other development, which restricts public access to public open space, will normally be refused. Although the proposal will enclose an area of land, the intention is to retain the integrity and character of the open space, whilst broadening the use by the community as a whole with the introduction of a range of community facilities. As such, although it does involve the construction of a building on part of the site, contrary to Policy OS1, the proposal is considered to be acceptable because it intends the more intensive or optimum use of an area of open space.

35. Notwithstanding the absence of an up-to-date assessment by the applicants of public open space provision in the Borough, the Borough Plan does show that this part of the Lewsey electoral ward is not deficient in public open space. The alteration in function of the application site will offer increased benefits to the local community in terms of access and use for a variety of purposes associated with open space use (gardening, horticulture, educational visits and recreation and leisure pursuits). When these benefits are weighed against the loss of public open space (as required by PPG17) it is considered that, on balance, they outweigh the disbenefits and would maintain and improve the quality of recreational spaces for all in the Lewsey area.

36. The existing allotment site is well screened from Ravenhill Way by a 2 metre high hedge and, to the northern end of Ravenhill Way, there is a soakaway which is enclosed by a 2 metre high palisade fence, which again benefits from a very good mature tree screen. The revised plans indicate the retention of the existing trees along the southern boundary, except to the car parking area and an intention to replace any trees, which are removed. Additional landscaping is also shown, particularly to the front of the site, which will improve the screening of the boundary fence.

37. The revised plans also indicate a 1 metre set back of the fencing along the front of the site to prevent any disturbance to the services, which run along the front of the site, together with additional landscaping to help screen the development.

CONCLUSIONS

38. Although there are a significant number of objections from the immediate surrounding area, it is clear from the information submitted that the proposal will provide benefits to the wider local community in terms of the provision of additional community facilities. It is therefore considered that the application should be referred to Full Council with a recommendation that planning permission be granted.

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

- 39. File No. 04/00170/REG3.
- 40. Borough of Luton Local Plan 1997.
- 41. Planning Policy Guidance Note 17: Planning for Open Space, Sport and Recreation.