

## **DEVELOPMENT CONTROL COMMITTEE**

**15<sup>th</sup> December, 2004 at 6.00 p.m.**

**PRESENT:** Councillor Hoyle (Chair); Councillors Bashir, Boyle, Dolling, Farooq, Franks, Johnston, Stewart, Skepelhorn and Yasin

**IN ATTENDANCE:** Councillors McGarvie, Pantling and Shaw

### **163 MINUTES (REF: 2.1)**

**Resolved:** That the Minutes of the meeting of the Committee held on 17<sup>th</sup> November, 2004 be taken as read, approved as a correct record and signed by the Chair.

### **164 4 DOWNS ROAD (REF: 5)**

The Development Control Manager referred to planning permission granted in pursuance of Minute 26/03 and reported that the ground level of the rear garden of 4 Downs Road had been raised by unauthorized works.

**Resolved:** That the Head of Legal Services be authorized to serve an appropriate Enforcement Notice(s) under the Town and Country Planning Act 1990 requiring steps to remedy the breach of planning control or remedy any injury to amenity within a period of 28 days from the date on which the Notice takes effect.

**(Note: The above item was considered by the Committee in pursuance of Sections 100B(1) and 100E(1) of the Local Government Act 1972, the Chair having considered that the above item be dealt with as a matter of urgency in order that there be no delay in taking the necessary enforcement action to stop the unauthorized use of the premises.)**

## **PART 1**

### **165 118 TALBOT ROAD (REF: 7.2)**

The Development Control Manager reported on Application No. 04/01076/COU submitted by K.J. and S.J. Pattenden in respect of the change of use of first floor flat to office and restroom facilities associated with the ground floor Travel Agency.

He reported that the site, the subject of the application fell within Employment Area as identified in the Borough of Luton Local Plan and that Policies H1 and S4 were relevant. Therefore the Application had been

advertised in accordance with the requirements of the Town and Country Planning (Development Plans and Consultation) Directions 1992, and no objections had been received in response to the statutory advertisement.

**Resolved to recommend:** That Application no. 04/01076/COU be approved subject to compliance with the following condition:

- (01) The first floor of the building shall be used as an office and ancillary accommodation in connection with the travel agency use on the ground floor, and for no other purpose, including any other purpose within Class A1 or A2 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). The first floor shall at no time be open to the general public. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area, To accord with the objectives of Policy E1 of the Borough of Luton Local Plan.)
- (02) Within 1 month of the date of this permission, a scheme for insulation of the first floor accommodation, the subject of this permission, against internally generated noise shall be submitted to the local planning authority for approval. The scheme thereby approved shall be implemented in full not less than one month after the date of such approval. (Reason: to protect the amenities of occupiers of adjoining properties and to accord with Policies H1 and E1 of the Borough of Luton Local Plan.)

**(Note: Councillor Dolling disclosed a personal and prejudicial interest (he booked his holiday with the company) and left the meeting during consideration of the proposal.)**

## **PART II**

### **166 Nos. 6/8 ARUNDEL ROAD (REF: 7.3)**

The Development Control Manager referred to Minute No. 130/04 (ii) at which two trees situated on land at Nos. 4-8 Arundel Road had been made the subject of a Tree Preservation Order under Section 198 of the Town and Country Planning Act 1990. He further reported on an objection relating to the recent making of the order.

**Resolved:** That the Tree Preservation Order relating to the two trees situated on land at Nos. 4-8 Arundel Road made under Section 198 of the Town and Country Planning Act 1990 be confirmed subject to the following modification:

- (1) The tree identified on the formal plan as T2 be deleted from the Order.

**167 LAND AT HITCHIN ROAD ADJACENT TO VALE CEMETERY AND OPPOSITE JUNCTION WITH MOUNT GRACE ROAD (REF: 7.4)**

The Development Control Manager reported on Application No. 04/01640/TEL submitted by 02 (UK) Limited for Prior Approval Determination under Part 24 (Development by Telecommunications Code Systems Operators) of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1999 in respect of the proposed installation of one 15 metre high monopole, street column style mast (inclusive of 3 No. 2G/3G antennas), together with an equipment cabinet and ancillary work on land at Hitchin Road adjacent to Vale Cemetery and opposite junction with Mount Grace Road.

He further reported on 3 objections to the proposal which had been received.

**Resolved:** That the Development Control Manager be instructed to advise 02 (UK) Limited that this Council does not wish to influence the siting and appearance of the proposed installation and that the development may, therefore, proceed without further reference to the Council.

**168 No. 45 MARLBOROUGH ROAD (REF: 7.7)**

The Development Control Manager referred to Minute 16(ii)/03 and reported further on a request to extend the period of compliance with the Enforcement Notice which had been received from the occupant.

**Resolved:** That the period for compliance with the Enforcement Notice referred to at Minute 16(ii)/03 be extended to a period ending on 31<sup>st</sup> December 2005 or until occupation of alternative premises by the Luton Hebrew Congregation, whichever is the sooner.

**(Note: Councillors Dolling, Franks, Skepelhorn and Yasin disclosed personal interests in the above item as they were friends of Councillor Rutstein and remained in the room during consideration of the application.)**

**169 DEPOSITED PLANS AND APPLICATIONS FOR PLANNING PERMISSION AND OTHER PROPOSALS (REF: 7.2)**

The Development Control Manager reported on certain applications for planning permission. He also reported on objections to the grant of planning permission referred to below which were made available to the Committee. Also detailed below are those Applications where the Applicant (A) and Objector (O) addressed the Committee under the Council's Right to Speak Policy.

Application No.	Number of Objections	Right to Speak
04/01167/FUL	1	
04/01492/FUL	2	
04/01539/FUL	1	Ward Councillor

04/01677/FUL	2	
04/01490/TEMP		2 (O)+ 1(A)+ Ward Councillor
04/01501/COU	7+ 23 signature petition and 45 signature petition of support	O + A
04/01164/VARCON	1	
04/01593/REG3	1 in support	

**Resolved:** (i) That the Applications detailed in Schedule “A(1)” to these Minutes be approved subject to compliance with the conditions stated therein.

(ii) That the Applications detailed in Schedule “A(2)” to these Minutes be Refused for the reasons stated therein.

(iii) That the Applications detailed in Schedule “A(3)” to these Minutes be Deferred for the reason stated therein.

#### **170 GARAGE SITE STYLES CLOSE (REF: 7.9)**

The Development Control Manager referred to Minute 18/03 and reported further on Application No. 02/01531/FUL submitted by Aldwyck Housing Association Limited in respect of the discharge of Conditions (03) and (06) of Planning Permission No. 02/01531/FUL dated 20<sup>th</sup> February 2003.

**Resolved:** That conditions (03) and (06) of Planning Permission No. 02/01531/FUL be hereby discharged, insofar as they relate to the proposed boundary treatment and details of a landscaping scheme.

#### **171 CIVIC AMENITY TIP EATON GREEN ROAD (REF: 7.9)**

The Development Control Manager referred to the planning permission granted by Bedfordshire County Council dated 10<sup>th</sup> March 1992 under Paragraph 5 of the Town and Country Planning General Regulations 1976 for the continued use of land off Eaton Green Road as a civic amenity site. He reminded the Committee that Condition (01) of that permission required that:-

(01) The site shall only be used as a collection point for household waste for subsequent removal to a waste disposal site or recycling plant.

He reported further on Application No. 04/01164/VARCON submitted by the Waste Recycling Group to vary that Condition to allow commercial and industrial waste to be received.

**Resolved:** That in variance of Minute 398/92, Condition (01) of Permission L/11149/A/0 dated 10<sup>th</sup> March 1992 be varied and the Planning Permission be re-issued subject to the following conditions:

- (01) The site shall only be used as a collection point for waste for subsequent removal to a waste disposal site or recycling plant. (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) E1 and LC9 of the Borough of Luton Local Plan.)
- (02) The site shall be maintained in a clean and tidy condition at all times to the satisfaction 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) E1 and LC9 of the Borough of Luton Local Plan.)
- (03) The portable building, containers and equipment on site shall be properly maintained and repainted in colours all to the satisfaction 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) E1 and LC9 of the Borough of Luton Local Plan.)
- (04) All equipment used on site including the compactors shall be properly maintained and operated to minimize noise to the satisfaction of the Local Planning Authority. (Reason: To minimize any nuisance by reason of noise in accordance with Policies E1 and LC9.)
- (05) No heavy goods vehicle shall be parked within the site overnight except with the written agreement 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) E1 and LC9 of the Borough of Luton Local Plan.)
- (06) Except as may be approved in writing by the Local Planning Authority, no operations authorized or required under this permission shall be carried out except between the following times: 08:00 – 20:00 hours and no operations shall be carried out on Christmas Day or Boxing Day and no lorries shall be permitted to enter or leave the site outside the permitted hours of operation. (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) E1 and LC9 of the Borough of Luton Local Plan.)
- (07) No weighbridge facility shall be installed on the site without the prior 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) E1 and LC9 of the Borough of Luton Local Plan.)
- (08) Surface water from impermeable vehicle parking areas shall be passed through a petrol/oil interception facility designed and constructed to the satisfaction of the Local Planning Authority before being discharged to any

surface water sewer. (Reason: To prevent pollution of groundwater. To accord with the objectives of Policy(ies) E10 of the Borough of Luton Local Plan.)

- (09) All oil and chemical storage tanks and ancillary facilities shall be contained within impervious bunded areas of at least 110% (one hundred and ten per cent) of the tank capacity. (Reason: To prevent pollution of groundwater. To accord with the objectives of Policy(ies) E10 of the Borough of Luton Local Plan.
- (10) All drums and small containers used for oil and other chemicals shall be stored in bunded areas which do not drain to any surface water sewer. These areas should be under cover. (Reason: To prevent pollution of groundwater. To accord with the objectives of Policy(ies) E10 of the Borough of Luton Local Plan.)
- (11) No soakaways shall be constructed such that they penetrate the water table and shall not in any event exceed 2 metres in depth below existing ground level. (Reason: To prevent pollution of groundwater. To accord with the objectives of Policy(ies) E10 of the Borough of Luton Local Plan.)
- (12) No discharge of sewage effluent shall be made to underground strata. (Reason: To prevent pollution of groundwater. To accord with the objectives of Policy(ies) E10 of the Borough of Luton Local Plan.
- (13) No discharge of trade effluent shall be made to underground strata. (Reason: To prevent pollution of groundwater. To accord with the objectives of Policy(ies) E10 of the Borough of Luton Local Plan.)

## **172 LAND TO THE REAR OF 31-37 DOWNS ROAD (REF:7.9)**

The Development Control Manager referred to Minute 292/01 at which planning permission was granted for the development of land to the rear of 31-37 Downs Road for residential purposes with access from Wolston Close. He reported on Application No. 04/01405/REN submitted by Mr. J. Byrne for that renewal of the permission.

He reported on the receipt of 12 letters and a petition containing 68 signatures objecting to the proposal.

**Resolved:** That Application No. 04/01405/REN be approved subject to compliance with the following conditions:-

- (01) In the case of any matter hereinafter reserved for the subsequent approval of the Local Planning Authority, application for this approval shall be made not later than the expiration of 3 years beginning with the date of this permission and the development hereby permitted shall be begun not later than whichever is the later of the following dates: (a) The expiration of 5 years from the

date of this permission or (b) The expiration of 2 years from final approval of the matters hereinafter reserved for the subsequent approval of the Local Planning Authority or in the case of approval on different dates, the final approval of the last such matter to be approved. (Reason: To enable the Local Planning Authority to exercise proper control over the details of development in the case of an outline planning permission granted under Article 3 (1) of the Town and Country Planning (General Development Procedure) Order, 1995.)

- (02) Full details and particulars of all buildings and other works hereby permitted in respect of the siting, design, external appearance, means of access and the landscaping of the site/development, shall be submitted to and approved by the Local Planning Authority before any development is commenced. (Reason: To enhance the appearance of the proposed development. To accord with the objectives of Policy(ies) BP1, E1, E8, H1 and H3 of the Borough of Luton Local Plan.)
- (03) All planting included in the scheme submitted in compliance with Condition No. 02 of this permission and approved by the Local Planning Authority shall be carried out by a date not later than the end of the full planting season immediately following the completion of that development. 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, E1, E8, H1 and H3 of the Borough of Luton Local Plan.)
- (04) Prior to the commencement of any work on site an accurate survey plan to a scale of not less than 1:200 shall be submitted to and approved by the Local Planning Authority showing: (a) The position, height, species, branch spread and condition of all existing trees, shrubs and hedges both within and immediately adjoining the development site; (b) A clear indication of trees, shrubs and hedges to be retained and/or removed; (c) Existing and finished site levels; (d) The routes of any existing or proposed underground works and overhead lines, including their manner of construction. (Reason: To safeguard the existing trees, shrubs and/or hedges on the site. To accord with the objectives of Policy(ies) BP1, E1, E2 and H3 of the Borough of Luton Local Plan.)
- (05) No trees on the site 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 safeguard the existing trees, shrubs and/or hedges on the site. To accord with the objectives of Policy(ies) BP1, E1, E2 and H3 of the Borough of Luton Local Plan.)

- (06) The construction of the surface and foul water drainage system shall be carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency and Thames Water Utilities before the development is commenced. (Reason: To safeguard drainage interests. To accord with the objectives of Policy(ies) BP1, E1 and E10 of the Borough of Luton Local Plan.)
- (07) Car parking to include the re-provision of the two existing parking bays on the site shall be provided in accordance with details which shall be submitted to and approved by the Local Planning Authority before the development hereby permitted is commenced. (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, E1, H3 and T7 of the Borough of Luton Local Plan.)
- (08) External lighting shall be provided along the access road in compliance with the minimum illumination levels of B.S. 5489 part 3.1. (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, E1, H3 and T7 of the Borough of Luton Local Plan.)
- (09) No dwellings shall be more than two storeys in height. (Reason: To protect the amenities of neighbouring properties. To accord with the objectives of Policy(ies) BP1, E1 and H1 of the Borough of Luton Local Plan.)
- (10) Before the development hereby permitted is commenced full details of existing and proposed site levels, together with proposed slab levels, shall be submitted to and approved by the Local Planning Authority. In each case, details of the relationship between these levels and those on adjacent land should be provided. (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) BP1, E1 and H1 of the Borough of Luton Local Plan.)



- (11) Vehicular access to the development hereby permitted shall be provided from Wolston Close only. (Reason: To define this permission and because the application site has no other connection to the adopted highway.)
- (12) The residential accommodation hereby approved shall be occupied as sheltered accommodation for the elderly and for no other purpose unless written permission has been obtained beforehand from the local planning authority. (Reason: To protect the amenities of the residents of Wolston Close.)
- (13) A management plan for the means of construction, landscaping and future maintenance of the access road, together with its associated embankments, 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 Policy(ies) BP1, E1, H1 and H3 of the Borough of Luton Local Plan.

**173 No. 16 PURLEY CENTRE (REF: 7.9)**

The Development Control Manager reported on Application No. 04/01448/REG3 submitted by the Department of Capital and Asset Management under Regulation 3 of the Town and Country Planning General Regulations for consent to change the use from a shop to A3.

He reported on 1 letter of objection which had been received.

**Resolved:** That for the purposes of the Town and Country Planning General Regulations 1992 the development proposed in Application No. 04/01448/REG3 be approved subject to compliance with 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) Details of a fume extraction system to include a description of the siting and appearance of odour extraction equipment, sound pressure levels from the extraction equipment and methods of noise attenuation shall be submitted to and approved by the Local Planning Authority and the system shall be installed according to the approved details prior to the commencement of the use 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) E1 of the Borough of Luton Local Plan.)

- (03) The use hereby permitted shall not operate outside the following hours: Mondays to Fridays, 7am to 10pm Saturdays, 7am to 10pm Sundays and Bank Holidays, 7am to 10pm. (Reason: To protect the amenities of neighbouring properties. To accord with the objectives of Policy(ies) E1 of the Borough of Luton Local Plan.)
- (04) No goods, waste or other materials shall be stored outside the building(s) in the open except in such locations and containers (including skips) as may be approved beforehand by 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) E1 of the Borough of Luton Local Plan.)

**(Note: (i) The following Applications were withdrawn from the Agenda by the Applicants – Agenda items:-**

**7.8 Application No. 04/01367/FUL – 27-37 Chapel Street;**

**7.9 Application No. 04/01495/FUL – Gloucester House Manor Road;**

**7.9 Application No. 04/01506/FUL – 28A Park Street.**

**(ii) the meeting ended at 9.17 pm).**